







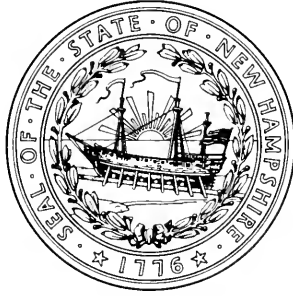








# **NEW HAMPSHIRE GENERAL COURT**



## **JOURNAL of the HOUSE OF REPRESENTATIVES**

**Containing the 1999 Session  
December 2, 1998  
through  
November 3, 1999**

**DONNA SYTEK  
SPEAKER**

**KAREN O. WADSWORTH  
CLERK**

**ROBERT JOHNSON, II  
SERGEANT-AT-ARMS**

**LEO J. CALLAHAN  
ASSISTANT CLERK**

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# HOUSE JOURNAL No. 1

Wednesday, December 2, 1998

On the first Wednesday in December in the year of our Lord, one thousand nine hundred and ninety-eight, it being the day designated by the Constitution for assembling, the one hundred and fifty-sixth General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by Karen O. Wadsworth, Clerk of the House for the preceding session.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of peace and compassion, make us hungry for Your wisdom and thirsty for Your justice. Help us to treasure the preciousness of new beginnings and to remain faithful to the stirrings of Your spirit. When we grow complacent or discouraged give us the energy of Your hope so that all of us may work in harmony for the well-being of our common home: the land and people of New Hampshire. Amen.

Rep.-elect Densmore led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps.-elect Carlson, Gene Marshall, Mikowski, Searles and Whittemore, the day illness.

Reps.-elect Haley and Lefebvre, the day, important business.

Rep.-elect Wiggins, the day, death in the family.

## CALL OF THE ROLL

### BELKNAP COUNTY

<b>Dist. No. 1 (2)</b>	Thomas J. Boriso, r; David M. Lawton, r
<b>Dist. No. 2 (2)</b>	Thomas Salatiello, d; Francine Wendelboe, r
<b>Dist. No. 3 (2)</b>	James P. Pilliod, r; John H. Thomas, r
<b>Dist. No. 4 (2)</b>	James M. Johnson, r; Alida I. Millham, r
<b>Dist. No. 5 (3)</b>	Robert K. Boyce, r; Stanley Czech, r; Paul A. Golden, r
<b>Dist. No. 6 (1)</b>	Gordon E. Bartlett, r
<b>Dist. No. 7 (6)</b>	Robert G. Holbrook, r; Robert M. Lawton, r; Thomas Rice, Jr., r; Ralph J. Rosen, r; Robert H. Turner, r; Jane Wood, d

### CARROLL COUNTY

<b>Dist. No. 1 (1)</b>	Gene G. Chandler, r&d
<b>Dist. No. 2 (2)</b>	elected, not sworn; Howard C. Dickinson, r
<b>Dist. No. 3 (1)</b>	Henry P. Mock, r
<b>Dist. No. 4 (1)</b>	Donald Philbrick, r
<b>Dist. No. 5 (2)</b>	David L. Babson, Jr., r; L. Randy Lyman, r
<b>Dist. No. 6 (1)</b>	elected, not sworn
<b>Dist. No. 7 (1)</b>	Kenneth MacDonald, r
<b>Dist. No. 8 (1)</b>	Jeb E. Bradley, r
<b>Dist. No. 9 (1)</b>	Betsey L. Patten, r
<b>Dist. No. 10 (2)</b>	Godfrey G. Howard, r; Gary Torressen, r

### CHESHIRE COUNTY

<b>Dist. No. 1 (1)</b>	Paul McGuirk, d
<b>Dist. No. 2 (2)</b>	Robert Batchelder, d; John M. Pratt, d
<b>Dist. No. 3 (1)</b>	McKim W. Mitchell, d
<b>Dist. No. 4 (1)</b>	William E. Roberts, r
<b>Dist. No. 5 (1)</b>	Irene A. Pratt, d
<b>Dist. No. 6 (1)</b>	Edwin O. Smith, r
<b>Dist. No. 7 (1)</b>	William A. Riley, d
<b>Dist. No. 8 (2)</b>	Stephen G. Avery, r; Daniel M. Burnham, d
<b>Dist. No. 9 (2)</b>	Joseph P. Manning, r; H. Charles Royce, r
<b>Dist. No. 10 (1)</b>	John B. Hunt, r

- Dist. No. 11 (2)** Alfred Lerandeau, d; Margaret E. Lynott, d
- Dist. No. 12 (1)** Barbara H. Richardson, d
- Dist. No. 13 (1)** William B. Rose, r
- Dist. No. 14 (1)** Benjamin J. DePecol, d
- Dist. No. 15 (1)** Ronald G. Russell, d
- Dist. No. 16 (1)** David R. Meader, d
- Dist. No. 17 (1)** Roger Zerba, d
- Dist. No. 18 (1)** Timothy N. Robertson, d
- Dist. No. 19 (3)** Michael J. Blaisdell, d; Richard F. Doucette, d; Margaret A. Lynch, d

### COOS COUNTY

- Dist. No. 1 (2)** Perley E. Davis, r; Gerald P. Merrill, r
- Dist. No. 2 (1)** Dana Landers, d
- Dist. No. 3 (1)** Lynn C. Horton, r&d
- Dist. No. 4 (1)** Leighton C. Pratt, r
- Dist. No. 5 (1)** John E. Tholl, Jr., r
- Dist. No. 6 (2)** Sara B. Glines, d; Lawrence J. Guay, r
- Dist. No. 7 (5)** Marie C. Hawkinson, d; Edgar H. Mears, d; Robert Rodrigue, d;  
Paul E. St. Hilaire, r; David Woodward, r

### GRAFTON COUNTY

- Dist. No. 1 (3)** Stephanie Eaton, r; G. Michael Gilman, r; Brien L. Ward, r
- Dist. No. 2 (1)** elected, not sworn
- Dist. No. 3 (1)** Jessica Densmore, d
- Dist. No. 4 (1)** Bonnie D. Ham, r
- Dist. No. 5 (2)** John S. Cobb, r; Paul I. LaMott, r
- Dist. No. 6 (2)** Richard S. Brothers, r; Gary L. Johnson, d
- Dist. No. 7 (2)** elected, not sworn; Allen K. MacNeil, r
- Dist. No. 8 (2)** Hobart M. Harmon, r; William R. Phinney, r
- Dist. No. 9 (1)** John R.M. Alger, r&d
- Dist. No. 10 (4)** Marion L. Copenhaver, d; Robert H. Guest, d; Sharon L. Nordgren, d;  
Martha Solow, d
- Dist. No. 11 (2)** David M. Scanlan, r; Philip Weber, r
- Dist. No. 12 (1)** Paul M. Mirski, r
- Dist. No. 13 (1)** David A. Hall, r
- Dist. No. 14 (4)** Ralph L. Akins, r; Susan W. Almy, d; Terri C. Dudley, r; Al Picconi, r

### HILLSBOROUGH COUNTY

- Dist. No. 1 (1)** Richard P. Herman, d
- Dist. No. 2 (1)** Herbert R. Hansen, r
- Dist. No. 3 (1)** Maxwell D. Sargent, r
- Dist. No. 4 (1)** Pierre W. Bruno, r&d
- Dist. No. 5 (2)** Neal M. Kurk, r; Paul R. Perkins, r
- Dist. No. 6 (1)** O. Alan Thulander, r
- Dist. No. 7 (5)** Lawrence A. Emerton, Sr., r; Richard E. Fletcher, r; Bruce F. Hunter, r;  
Karen K. McRae, r; John C. Sarette, d
- Dist. No. 8 (2)** Merton S. Dyer, r; Andrew R. Peterson, r
- Dist. No. 9 (1)** James C. Curran, d&r
- Dist. No. 10 (1)** Linda T. Foster, d&r
- Dist. No. 11 (1)** Harold Melcher, d
- Dist. No. 12 (1)** Pamela D. Coughlin, r
- Dist. No. 13 (4)** Gary L. Daniels, r; Keith R. Herman, r; Peter R. Leishman, r; Tim O'Connell, r
- Dist. No. 14 (3)** William S. Belvin, r; Cynthia J. Dokmo, r; Robert H. Rowe, r
- Dist. No. 15 (4)** Kathleen M. Flora, r; Maurice E. Goulet, r; Edward P. Moran, Jr., r;  
Dennis Withee, r
- Dist. No. 16 (1)** Peter F. Bergin, r
- Dist. No. 17 (2)** Leon Calawa, Jr., r; Loren J. Jean, r

- Dist. No. 18 (8)** Rose H. Arthur, d; Peter L. Batula, r; Robert W. Brundige, r; Dennis H. Fields, r; Robert J. L'Heureux, r; Timothy McGough, r; Robert H. Milligan, r; Mary M. Moriarty, d
- Dist. No. 19 (1)** elected, not sworn
- Dist. No. 20 (2)** Thomas I. Arnold, Jr., r; Betty B. Hall, d
- Dist. No. 21 (1)** Jeffrey C. MacGillivray, r
- Dist. No. 22 (2)** Susan B. Durham, r; Nancy W. Wall, r
- Dist. No. 23 (6)** David J. Alukonis, r; Lars T. Christiansen, r; Robert E. Clegg, Jr., r; Rudy Lessard, r; elected, not sworn; Joan C. Tate, r
- Dist. No. 24 (3)** James J. Fenton, r; Harold V. Lynde, d; Philip J. McColgan, d
- Dist. No. 25 (1)** Donald B. White, r
- Dist. No. 26 (3)** Suzan L. R. Franks, r; Ruth Ginsburg, d; Jane E. O'Hearn, r
- Dist. No. 27 (3)** Richard A. LaRose, r; Robert S. Mercer, r; Mary M. Ouellette, d
- Dist. No. 28 (3)** Robert A. Daigle, d; Nancy M. Ford, r; elected, not sworn
- Dist. No. 29 (3)** David E. Cote, d; Mary Gorman, d; Alphonse A. Haettenschwiller, d
- Dist. No. 30 (3)** Harvey Keye, d; Donnalee Lozeau, r; William E. Mosher, r
- Dist. No. 31 (3)** Jane A. Clemons, d; elected, not sworn; Leslie Mendenhall, d
- Dist. No. 32 (3)** Lucien Bergeron, d; Peter R. Cote, d; Claudette R. Jean, d
- Dist. No. 33 (3)** Eileen P. Dawe, r; Christine M. Konys, d; Bette R. Lasky, d
- Dist. No. 34 (3)** Frederick Andrews, r; Mary Ellen Martin, d; Dawn C. Nolan-Piteri, r
- Dist. No. 35 (1)** Griffin T. Dalianis, r&d
- Dist. No. 36 (1)** A. Theresa Drabinowicz, d
- Dist. No. 37 (3)** Linda L. Garrish, d; Jeff Goley, d; Sandra Reeves, r
- Dist. No. 38 (3)** Richard F. Ahern, d; James W. Craig, d; Winston H. McCarty, r
- Dist. No. 39 (3)** George A. LaPorte, d; Peter F. Leonard, d; Carol Ann Williams, d
- Dist. No. 40 (3)** Lionel W. Johnson, d; Leo P. Pepino, r; Anthony F. Simon, d
- Dist. No. 41 (3)** William J. McCarthy, d; James A. McDonald, Sr., d; Alice McDonough-Wallace, d
- Dist. No. 42 (3)** Benjamin C. Baroody, d; Robert E. Murphy, d; Dean Ouellette, r
- Dist. No. 43 (3)** Vivian J. Desmarais, r; Paul J. Dwyer, Sr., d; elected, not sworn
- Dist. No. 44 (3)** Roland O. Beaupre, r; Raymond Buckley, d; Steve Vaillancourt, d
- Dist. No. 45 (3)** James A. Burkush, d; William J. Desrosiers, r; Andre A. Martel, r
- Dist. No. 46 (3)** Irene M. Messier, r; Frank J. Reidy, d; John M. White, d
- Dist. No. 47 (3)** Judy Courchesne, d; Marc Pappas, r; Roland M. Turgeon, d
- Dist. No. 48 (3)** Robert Chabot, r; Eugene L. Gagnon, r; Paul E. Gagnon, d

### MERRIMACK COUNTY

- Dist. No. 1 (2)** Richard P. Brewster, r; William E. Leber, r
- Dist. No. 2 (3)** Peter Crowell, r; Alf E. Jacobson, r; Avis B. Nichols, r
- Dist. No. 3 (2)** Barbara Conner French, d; Elizabeth Rodd, d
- Dist. No. 4 (1)** Kenneth R. Marshall, r
- Dist. No. 5 (1)** Michael D. Whalley, r
- Dist. No. 6 (1)** Derek Owen, d
- Dist. No. 7 (3)** Eric Anderson, r; George W. Chase, d; Richard E. Kennedy, r
- Dist. No. 8 (1)** Gerard L. St. Cyr, d
- Dist. No. 9 (4)** David E. Larrabee, Sr., r; Priscilla P. Lockwood, r; Roy D. Maxfield, r; Carolyn A. Virtue, d
- Dist. No. 10 (2)** Tony F. Soltani, r; Charles B. Yeaton, d
- Dist. No. 11 (3)** David W. Hess, r; Ray F. Langer, r; Richard Marple, r
- Dist. No. 12 (4)** Gabriel J. Daneault, d; Francis W. Davis, r; Janet Fortnam, d; Gerard H. Lavoie, r
- Dist. No. 13 (3)** Bronwyn Asplund, r; Martin Feuerstein, r; elected, not sworn
- Dist. No. 14 (1)** David Poulin, r
- Dist. No. 15 (1)** Jean R. Wallin, d&r
- Dist. No. 16 (1)** Mary Stuart Gile, d
- Dist. No. 17 (1)** Gloria Seldin, d

- Dist. No. 18 (1)** Elizabeth Hager, r  
**Dist. No. 19 (1)** Carol Moore, d  
**Dist. No. 20 (1)** Toni M. Crosby, d  
**Dist. No. 21 (1)** Marilyn A. Fraser, d  
**Dist. No. 22 (1)** Candace W. Bouchard, d  
**Dist. No. 23 (1)** Tara G. Reardon, d&r  
**Dist. No. 24 (3)** Elizabeth K. Hoadley, r; Frances D. Potter, d; Mary Jane Wallner, d,

### ROCKINGHAM COUNTY

- Dist. No. 1 (1)** Robert A. Johnson, r  
**Dist. No. 2 (1)** Margaret A. Case, r  
**Dist. No. 3 (1)** Ronald Nowe, r&d  
**Dist. No. 4 (1)** Mary Lou Nowe, r&d  
**Dist. No. 5 (1)** C. Donald Stritch, r&d  
**Dist. No. 6 (1)** Rudolph J. Kobel, r  
**Dist. No. 7 (1)** Joseph E. Stone, r&d  
**Dist. No. 8 (1)** Rebecca C. Hutchinson, d  
**Dist. No. 9 (2)** Patricia L. Cote, r; Thomas A. Varrell, r  
**Dist. No. 10 (1)** Albert W. Hamel, r  
**Dist. No. 11 (1)** Jon P. Beaulieu, r  
**Dist. No. 12 (3)** Franklin C. Bishop, r; Richard E. Dolan, r; Marian E. Lovejoy, r  
**Dist. No. 13 (11)** Patricia A. Dowling, r; Robert M. Fesh, r; Paul A. Gibbons, r;  
 John P. Gleason, r; George N. Katsakiores, r; Phyllis M. Katsakiores, r;  
 John S. Langone, r; Robert Letourneau, r; Norma A. Sabella, r;  
 Frank V. Sapareto, r; William R. Zolla, r  
**Dist. No. 14 (1)** Natalie S. Flanagan, r  
**Dist. No. 15 (2)** Ed M. Putnam, II, r; Neil J. Reardon, r  
**Dist. No. 16 (2)** Norman L. Major, r; Marie N. Rabideau, r  
**Dist. No. 17 (2)** Vivian R. Clark, r; Kenneth R. Grant, r  
**Dist. No. 18 (4)** John W. Flanders, Sr., r; David A. Welch, r; Kenneth L. Weyler, r;  
 John Whittier, r  
**Dist. No. 19 (3)** Dennis F. Abbott, d; Frank M. Schanda, d; Richard C. Shelton, d  
**Dist. No. 20 (5)** David A. Flanders, r; Warren Henderson, r; Marshall E. Quandt, r;  
 J. Arthur Tufts, r; elected, not sworn  
**Dist. No. 21 (3)** Benjamin E. Moore, r; Patricia M. O'Keefe, d; E. Albert Weare, r  
**Dist. No. 22 (5)** Russell D. Bridle, r; Andrew Christie, Jr., r; Sheila T. Francoeur, r;  
 Jane Kelley, d; Michael O'Neil, r  
**Dist. No. 23 (1)** Bruce L. Dearborn, r  
**Dist. No. 24 (2)** Russell N. Cox, r; Jane S. Langley, r  
**Dist. No. 25 (3)** C. David Corbin, r; George R. Rubin, r; Walter D. Ruffner, r  
**Dist. No. 26 (9)** Ronald J. Belanger, r; Richard T. Cooney, r; Janeen Dalrymple, r;  
 Michael W. Downing, d; Richard Noyes, r; Anne K. Priestley, r;  
 Bernard J. Raynowska, r; Nancy C. Stickney, r; Donna Sytek, r  
**Dist. No. 27 (3)** Janet S. Arndt, r; Anthony R. DiFruscia, r; Mary E. Griffin, r  
**Dist. No. 28 (1)** Charles Morse, r  
**Dist. No. 29 (7)** Gregory G. Carson, r; Vivian L. Dunham, r; Karen K. Hutchinson, r;  
 Betsy McKinney, r; elected, not sworn; Sherman A. Packard, r;  
 Giovanni M. Verani, r  
**Dist. No. 30 (1)** Laura C. Pantelakos, d  
**Dist. No. 31 (1)** Terie T. Norelli, d  
**Dist. No. 32 (1)** Cecelia D. Kane, d  
**Dist. No. 33 (2)** MaryAnn N. Blanchard, d; Betsy Shultis, d  
**Dist. No. 34 (1)** James R. Splaine, d  
**Dist. No. 35 (2)** Jacqueline A. Pitts, d; Charles L. Vaughn, d  
**Dist. No. 36 (1)** Martha Fuller Clark, d

**STRAFFORD COUNTY**

- Dist. No. 1 (1)** David A. Bickford, r  
**Dist. No. 2 (1)** Robert E. McKinley, r&d  
**Dist. No. 3 (2)** elected, not sworn; William Tsiros, r  
**Dist. No. 4 (1)** Dennis P. Vachon, d  
**Dist. No. 5 (1)** Nancy K. Johnson, d  
**Dist. No. 6 (2)** Marlene M. DeChane, d; George T. Musler, r  
**Dist. No. 7 (1)** Naida Kaen, d&r  
**Dist. No. 8 (4)** Iris W. Estabrook, d; Donald Lent, d; Marjorie K. Smith, d; Judith Spang, d  
**Dist. No. 9 (1)** Janet G. Wall, d&r  
**Dist. No. 10 (1)** Michael S. Rollo, d  
**Dist. No. 11 (4)** Gary Gilmore, d; William V. Knowles, d; Kathleen N. Taylor, d; Phyllis Woods, r  
**Dist. No. 12 (4)** Baldwin Domingo, d; Arthur J. Pelletier, d; Marsha L. Pelletier, d; Franklin G. Torr, r  
**Dist. No. 13 (1)** Joseph R. Twardus, d  
**Dist. No. 14 (4)** Roger R. Berube, d; Richard F. Heon, d; Clair A. Snyder, d; Francis C. Vincent, d  
**Dist. No. 15 (2)** Frank D. Callaghan, d; Rose Marie Rogers, d  
**Dist. No. 16 (2)** William P. Brennan, d; Sandra B. Keans, r  
**Dist. No. 17 (2)** George F. Brown, d; Julie M. Brown, r  
**Dist. No. 18 (2)** Patricia C. Dunlap, r; Raymond A. Lundborn, d  
**Dist. No. 19 (2)** Larry J. Cossette, r; Anne C. Grassie, d

**SULLIVAN COUNTY**

- Dist. No. 1 (1)** Peter Hoe Burling, d  
**Dist. No. 2 (1)** Richard C. Leone, r  
**Dist. No. 3 (1)** Constance A. Jones, r  
**Dist. No. 4 (3)** Gordon B. Flint, r; David Kibbey, r; elected, not sworn  
**Dist. No. 5 (1)** John Tuthill, i&d  
**Dist. No. 6 (1)** David A. Young, r  
**Dist. No. 7 (1)** James Phinizy, d  
**Dist. No. 8 (1)** John R. Cloutier, d  
**Dist. No. 9 (1)** Amy E. Robb-Theroux, d&r  
**Dist. No. 10 (1)** David C. Allison, d  
**Dist. No. 11 (2)** Thomas E. Donovan, d; Sara McIntyre, d

With 386 members-elect having answered the call of the roll, a quorum was declared present.

**RESOLUTION**

Representatives-elect Burling, Scanlan, Sytek and Weyler offered the following:

RESOLVED, that a committee of six be appointed to wait upon the Governor and the Honorable Council to inform them that a quorum of the House is assembled and requests their attendance. Adopted.

The Chair appointed Representatives-elect Paul I. LaMott, Marion L. Copenhaver, Howard C. Dickinson, Jr., Natalie S. Flanagan, Lynn C. Horton and Robert A. Johnson.

**INTRODUCTION OF GUESTS**

Alyssa Lyn Virtue, Barbara A. Ryan, Andy LaBrie and Charles MacKelvie, daughter, sister and guests of Rep.-elect Virtue. Carey, Will and Sam Rodd, Betty Hague and Carol Adams, husband, sons and guests of Rep.-elect Rodd. Velda and Patrick Ruffner, wife and son of Rep.-elect Ruffner. Jean Piccone, wife of Rep.-elect Piccone. Phyllis, Anne, Kendall and Thomas Burkush, mother, wife, daughter and son of Rep.-elect Burkush. Louise, Cassandra, Nicholas, Ginny and John Bridle, wife, children and guests of Rep.-elect Bridle. Lorraine Shelton, wife of Rep.-elect Shelton. Drs. David and Mary Potter, Devon, Aldis, Lisa and Ian Gamble, brother, sister-in-law, daughter, son-in-law and grandchildren of Rep.-elect Potter. Arnold Priestley, husband of Rep.-

elect Priestley. Liz Kotowski, daughter of Rep.-elect Shultis. Roger and Michael Dudley, husband and son of Rep.-elect Dudley. Shirley Cobb, wife of Rep.-elect Cobb. Dr. Bruce Reeves, Kim and Todd Reeves, Dr. Calvin Maybury, Judy Peterson, Fran Colquitt and Toni Pappas, husband, daughter, son and guests of Rep.-elect Reeves. Robert Fortnam, Winona and Howard Blake, Karen and Lindsay Pence and Benjamin Hart, husband and family of Rep.-elect Fortnam. Virginia Bridle and Thomas Gillick, guests of Reps.-elect Kelley, O'Neil, and Francoeur. Patrick Wood and Michelle Neinas, husband and daughter of Rep.-elect Jane Wood. Melissa, Alysha, Andrew, Alfred and Lorna Torressen, Joseph, Nancy and Lesley Hart, wife, daughter, son, parents and in-laws of Rep.-elect Torressen. Jonathan Garrish and Joy and Russell Lowe, son, sister and brother-in-law of Rep.-elect Garrish. Susan and Emma Morse and Doris Deputy, wife, daughter and mother of Rep.-elect Morse. Samantha and Gina Piteri, David, Anne and Connor Nolan and Robert Delosa, daughters, parents, nephew and guest of Rep.-elect Nolan-Piteri. Dorothea and Matthew Quandt, wife and son of Rep.-elect Quandt. Barry Langer, son of Rep.-elect Langer. Ernest Courchesne, husband of Rep.-elect Courchesne. Victoria and Collin Warner-Thigpen, Martin and Diane Tirrell, Robert French, Paul King, John Holm-Warner, Dr. Deborah Warner, John Bosk and Justin Gilman, guests of Rep.-elect Gilman. Linda Luhtala, guest of Rep.-elect Wendleboe. Daryl and Andrea Czech, wife and daughter of Rep.-elect Czech. Kathy Scanlan, wife of Rep.-elect Scanlan. Former NH Rep. Kathy Rogers, guest of Rep.-elect Wallin. Michelle Gallon, and family of Rep.-elect Withee. Margaret Anne Kennedy, daughter of Rep.-elect Kennedy. Ron and Donna Francoeur, Penny Hamilton and Joe Barney, husband, daughter and guests of Rep.-elect Francoeur. Carol O'Neil and Kelly O'Neil-Fish, wife and daughter of Rep.-elect O'Neil. Brenda and Major Kevin Major, wife and son of Rep.-elect Major. Phyllis Raynowska, wife of Rep.-elect Raynowska. John and William Coughlin, husband and son of Rep.-elect Coughlin. Sheila Whittier, wife of Rep.-elect Whittier. Barbara Brewster, wife of Rep.-elect Brewster. John Pelletier, son of Reps.-elect Arthur and Marsha Pelletier. Janice Batula and Carrie and Amanda Morris wife, daughter and granddaughter of Rep.-elect Batula. Constance Hamel, guest of Rep.-elect Hamel. Mark, Bruce and Page Mendenhall, Cynthia Sweeney and Maguerite Page, the husband, son, daughter, mother and grandmother of Rep.-elect Mendenhall. Joan Plimpton, Drew, Sam, Peter, and George Harmon and Col. Charles Pickering, fiancée, sons, brother, nephew and guest of Rep.-elect Harmon. Anne-Marie Letourneau, Margret Valcourt, Diane, Sarah and Marrisha Gallien, wife, mother, daughter and granddaughters of Rep.-elect Letourneau. Arline Fletcher, wife of Rep.-elect Fletcher. Janet Rose, wife of Rep.-elect Rose. Milvia Mosher, wife of Rep.-elect Mosher. Simone, Matthew, and Lauren Martel, Simone Martel Binette and Sister Rita Martel, wife, son, daughter, mother and sister of Rep.-elect Martel. Noreen and Deana O'Connell, wife and mother of Rep.-elect O'Connell. Joan Noyes, wife of Rep.-elect Noyes. Tina Dooley, guest of Rep.-elect Larabee. Robin and Lucy Lent and Norma Segal, wife, daughter and mother-in-law of Rep.-elect Lent. Former NH Rep. Robert Lockwood, husband of Rep.-elect Lockwood. Elizabeth, David and Michelle Batchelder and Jaime Hernandez, wife, son, granddaughter and grand-nephew of Rep.-elect Batchelder. Wally Stickney, husband of Rep.-elect Stickney. Fassnacht Curran, wife of Rep.-elect Curran. Karen Hall and Mr. and Mrs. Fred Hall, wife and parents of Rep.-elect David Hall. Robert, Hunky, Robert and Tony Rodrigue and Jed George, parents, grandparents and guest of Rep. Rodrigue. Clarence and Glenna Daniels and Kay Myrick, parents and guest of Rep.-elect Daniels. Mary Lou Bergeron, wife of Rep.-elect Bergeron. Former NH Reps. William Boucher, Kenneth Malcolm and Donald Gorman, guests of the House. Kathleen, Kara and Daniel DiFruscia, wife, daughter and son of Rep.-elect DiFruscia. David Welch, guest of Rep.-elect Buckley. Ruth Dorey and Deanna Rollo, guests of Rep.-elect Rollo. Lew Dokmo, husband of Rep.-elect Dokmo. Elsie Domingo, wife of Rep.-elect Domingo. Alicia, Deirdre and Sharon Carson, daughters and wife of Rep.-elect Carson. Moira Burnham, wife of Rep.-elect Burnham. Ann Lemmon, guest of Rep.-elect Bradley. Jed Bouchard, Catherine Rogers and Cristine and Katlyn Dasey, son and guests of Rep.-elect Bouchard. Sara-ann and Laurette Sarette, wife and mother of Rep.-elect Sarette. Connie Stone, wife of Rep.-elect Stone. Chuck Grassie, husband of Rep.-elect Grassie. Charles Bergin, father of Rep.-elect Bergin. Ellen Chase, guest of Rep.-elect Owen. Former NH Rep. Robert Dodge, guest of Rep.-elect Hoadley. Helen Masner, Stephanie and Stacy Clark, Ellen Svenson and Wendy Clay, guests of Rep.-elect Mary Ouellette. Judy Wisch, Pam Butler and Carole Perry, guests of Rep.-elect Richard Herman.



## **OATH OF OFFICE**

The Governor, Jeanne Shaheen, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, James A. Normand and Bernard Streeter, Jr. The members-elect, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution of the State of New Hampshire.

The Governor and Executive Councilors retired.

## **ELECTION OF HOUSE SPEAKER**

Reps. Burling, Scanlan, Sytek and Weyler moved that the rules of the 1998 House of Representatives, in conjunction with the proposed ground rules, shall be the rules of the elections by the House and the Joint Convention.

Adopted.

The Chair declared that nominations for Speaker were in order.

Rep. Buckley placed the name of Rep. Burling in nomination for Speaker. Rep. Copenhagen seconded the nomination.

Rep. Hager placed the name of Rep. Scanlan in nomination for Speaker. Rep. Franks seconded the nomination.

Rep. Jacobson placed the name of Rep. Sytek in nomination for Speaker. Reps. Patten and Whalley seconded the nomination.

Rep. McRae placed the name of Rep. Weyler in nomination for Speaker. Reps. Donald White and Christiansen seconded the nomination.

There being no further nominations, the Chair declared nominations closed.

After the nominations were closed, the Chair, at the request of the candidates, named Reps. Wallin and Vaillancourt as tellers for Rep. Burling; Reps. Keans and David Hall as tellers for Rep. Scanlan; Reps. Kurk and Clegg for Rep. Sytek and Reps. Alger and Milligan for Rep. Weyler to tally the vote.

## **RECESS**

### **(Clerk in the Chair)**

## **FIRST BALLOT**

Of the 386 votes cast, 194 votes were needed for election. Rep. Burling received 153 votes, Rep. Scanlan received 18 votes, Rep. Sytek received 184 votes, Rep. Weyler received 30 votes. One ballot was cast for a non-candidate. No candidate was elected on the first ballot.

## **RECESS**

### **(Clerk in the Chair)**

No candidate having withdrawn, Rep. Burling spoke in favor of his nomination, Rep. Scanlan spoke in favor of his nomination, Reps. Chandler and Bradley spoke in favor of Rep. Sytek's nomination and Rep. Weyler spoke in favor of his nomination.

The Chair called for the second ballot.

After the balloting was closed, the Chair called for the appointed tellers to tally the votes.

## **RECESS**

### **(Clerk in the Chair)**

## **SECOND BALLOT**

Of the 381 votes cast, 191 votes were needed for election. Rep. Burling received 149 votes, Rep. Scanlan received 23 votes, Rep. Sytek received 180 votes and Rep. Weyler received 29 votes. No candidate was elected on the second ballot.

**MOTION TO SUSPEND RULES**

Rep. Jacobson moved that the 15-minute recess rule be suspended and spoke in favor.  
Rep. Dickinson spoke against.  
The motion failed.

**RECESS****(Clerk in the Chair)**

No candidate having withdrawn, Rep. Scanlan spoke in favor of his nomination, Rep. Sytek spoke in favor of her nomination and Rep. Weyler spoke in favor of his nomination.  
The Chair called for the third ballot.  
After the balloting was closed, the Chair called for the appointed tellers to tally the votes.

**RECESS****(Clerk in the Chair)****THIRD BALLOT**

Of the 377 votes cast, 189 votes were needed for election, Rep. Burling received 148 votes, Rep. Scanlan received 26 votes, Rep. Sytek received 176 votes and Rep. Weyler received 27 votes. No candidate was elected on the third ballot.

**RECESS****(Clerk in the Chair)**

Rep. Weyler withdrew his name from nomination. Rep. Scanlan withdrew his name from nomination.  
The Chair called for the fourth ballot.  
After the balloting was closed, the Chair called for the appointed tellers for Reps. Burling and Sytek to tally the votes.

**RECESS****(Clerk in the Chair)****FOURTH BALLOT**

Of the 363 ballots cast, 178 votes were needed for election. Rep. Burling received 148 votes and Rep. Sytek received 200 votes. There were 6 ballots cast for non-candidates. The Chair declared Rep. Sytek duly elected Speaker of the House.  
Rep. Burling moved that the vote for Rep. Sytek be made unanimous and spoke to his motion.  
Adopted.  
The Sergeant-at-Arms escorted Speaker Sytek, Mr. John Sytek and Mary Sytek to the rostrum.  
The Speaker briefly addressed the House.

**(Speaker Sytek in the Chair)**

Without objection, the Speaker called for the Joint Convention prior to the election of House Officers.

**RESOLUTION**

Reps. Lozeau and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet with the Senate in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.  
Adopted.

**SENATE MESSAGES**

The Senate has met and organized and has elected as its officers: Sen. Clesson J. Blaisdell, President; Gloria Randlett, Clerk; Tammy Wright, Assistant Clerk; Henry Wilson, Sergeant-at-Arms and Emile Martineau, Doorkeeper.

The Senate is ready to meet with the House of Representatives for the purpose of electing the Secretary of State and the State Treasurer.

## **JOINT CONVENTION**

### **(Speaker Sytek presiding)**

The Speaker called the joint convention to order.

The Chair declared nominations were in order for Secretary of State.

Sens. Blaisdell and D'Allesandro placed the name of William M. Gardner in nomination for Secretary of State. Rep. Flanagan seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mr. Gardner.

The Chair declared Mr. Gardner duly elected Secretary of State.

The Chair declared nominations were in order for State Treasurer.

Rep. Torr placed the name of Georgie A. Thomas in nomination for State Treasurer. Sen. Gordon seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Ms. Thomas.

The Chair declared Ms. Thomas duly elected State Treasurer.

The Sergeant-at-Arms escorted Mr. Gardner and Ms. Thomas to the rostrum.

The Chair administered the oath of office to Mr. Gardner and Ms. Thomas.

Ms. Thomas and Mr. Gardner addressed the Joint Convention.

Sen. Larson and Rep. Chandler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## **APPOINTMENTS**

The Speaker made the following appointments.

Majority Leader, Rep. Gene G. Chandler.

Democratic Leader, Rep. Peter Hoe Burling.

## **ELECTION OF HOUSE OFFICERS**

The Speaker declared nominations were in order for Clerk, Assistant Clerk and Sergeant-at-arms.

Rep. Welch placed in nomination the name of Karen O. Wadsworth for Clerk.

Rep. Linda Foster seconded the nomination.

There being no further nominations, the chair declared nominations closed and instructed the Clerk to cast one ballot for Karen O. Wadsworth and declared Karen O. Wadsworth elected Clerk.

Rep. Stone placed in nomination the name of Leo J. Callahan for Assistant Clerk.

Rep. Copenhaver seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Leo J. Callahan and declared Leo J. Callahan elected Assistant Clerk.

Rep. Bradley placed in nomination the name of Rob Johnson for Sergeant-at-Arms.

Rep. Carol Moore seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Rob Johnson and declared Rob Johnson elected Sergeant-at-Arms.

The Speaker administered the oath of office to Ms. Wadsworth, Mr. Callahan and Mr. Johnson.

Reps. Chandler and Burling offered the following:

## **HOUSE RESOLUTION NO. 1**

RESOLVED, that the House adopt the rules of the 1998 legislative session and that house rules may be amended by a majority vote of the house on or before January 28, 1999.

Adopted.

Reps. Chandler and Burling offered an amendment to House Resolution No. 1.

**Amendment (0001h)**

Amend Rule 64 to read as follows:

64 – Legislative action in the first-year session shall be subject to the following deadlines: December 15, 1998, Tuesday. Last day for all members to file LSR's, with complete information. January 11, 1999, Monday. Last day for sign-off of all Claremont-related bills. January 25, 1999, Monday. Last day for sign-off of all non-Claremont-related bills. January 28, 1999, Thursday. Last day to amend house rules by majority vote. Adopted.

Reps. Bradley and Burling offered the following:

**HOUSE RESOLUTION NO. 2**

RESOLVED, that the speaker appoint a committee of 3 to assign seats to members.

Adopted.

The Speaker appointed Reps. Lozeau, Chandler and Carol Moore.

Reps. Daniels and Burling offered the following:

**HOUSE RESOLUTION NO. 3**

RESOLVED, that the speaker appoint a committee of 3 to select a suitable person to serve as chaplain during the 1999 session of the legislature and to report such selection to the house for consideration.

Adopted.

The Speaker appointed Reps. Jacobson, Goulet and Naida Kaen.

Reps. Welch and Burling offered the following:

**HOUSE RESOLUTION NO. 4**

RESOLVED, that action taken at all sessions of the house of representatives be recorded on tapes through the public address system, and that the tapes be used by the clerk to confirm and correct the permanent journal. The permanent journal as prepared by the clerk and as may be corrected by the house shall be the official record of the house.

Adopted.

Reps. Lozeau and Burling offered the following:

**HOUSE RESOLUTION NO. 5**

RESOLVED, That the speaker be authorized to employ such personnel as she deems necessary; and that the compensation of such personnel be fixed by the speaker, with the approval of the house subcommittee of the committee on legislative facilities, in accordance with RSA 17-E:5.

Adopted.

Reps. Arndt and Burling offered the following:

**HOUSE RESOLUTION NO. 6**

RESOLVED, that the following policy be established for the distribution of house calendars and journals, bills, and resolutions to the general public, not to include members of the general court and state departments:

1. Every person is entitled, free of charge, to one copy of any publication at the legislative counter, or to have the publication mailed to that person upon individual request for one such copy.
2. Persons requesting copies of all publications for the entire session will be charged a fee sufficient to cover postage, envelopes, and handling. Such fees may be prorated when service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.
3. All fees charged for publications in accordance with this resolution shall be fixed with the approval of the speaker, paid into the state treasury, and credited to the legislative appropriation.

Adopted.

Reps. Arnold and Burling offered the following:

**HOUSE RESOLUTION NO. 7**

RESOLVED, that members will be paid their legislative salaries, as provided in the constitution, in the month of January 1999; and

That mileage of members of the house be paid every 2 weeks during the session.

Adopted.

Reps. Guay and Burling offered the following:

**HOUSE RESOLUTION NO. 8**

RESOLVED, that the speaker, after consultation with the minority leader, may cancel a scheduled meeting of the house in the event of severe weather or any other circumstance which would make it inadvisable, in the speaker's opinion, for members to come to Concord for the session, provided the speaker makes notification of such cancellation; and

That any member who travels to Concord, or who is already in Concord on legislative business, on any day that a meeting of the house is cancelled under the authority of this resolution, shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.

**RESOLUTION**

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Concurrent Resolution numbered 1 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

**INTRODUCTION OF SCR****First and second reading**

*SCR 1*, urging the supreme court to issue a prompt ruling on certain specific issues transferred to the court by the public utilities commission on February 20, 1998. (Below, Dist. 5; Frederick King, Dist. 1; Cohen, Dist 24; Johnson, Dist 3; Bradley, Carr 8; Chandler, Carr 1; Burling, Sull 1)

**SUSPENSION OF RULES**

Without objection, the Speaker suspended the rules to permit consideration at the present time of SCR 1.

**CONSIDERATION OF SCR**

*SCR 1*, urging the supreme court to issue a prompt ruling on certain specific issues transferred to the court by the public utilities commission on February 20, 1998.

Rep. Bradley spoke in favor.

Adopted.

Ordered to third reading.

**RESOLUTION**

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 6, 1999 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

*HR 1*, relative to adopting the rules of the 1998 session.

*HR 2*, relative to seat assignments.

*HR 3*, relative to selecting a House Chaplain.

*HR 4*, relative to recording House sessions and the permanent journal.

**HR 5**, relative to the Speaker employing personnel per RSA 17-E:5.

**HR 6**, relative to the distribution of House publications.

**HR 7**, relative to legislative salary and mileage payments.

**HR 8**, relative to canceling scheduled meetings of the House during severe weather and other circumstances.

**SCR 1**, urging the supreme court to issue a prompt ruling on certain specific issues transferred to the court by the public utilities commission on February 20, 1998.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess.

Adopted.

The House recessed at 8:30 p.m.

### RECESS

#### (Speaker Sytek in the Chair)

The Speaker made the following appointments:

Deputy Speaker, Donnalee Lozeau.

Deputy Majority Leader, Warren C. Henderson.

Majority Whip, Michael D. Whalley.

### RECESS

#### (Speaker Sytek in the Chair)

The Speaker made the following appointment:

Speaker Pro Tempore, Alf E. Jacobson.

The Democratic Leader made the following appointments:

Deputy Democratic Leader, Sharon L. Nordgren.

Democratic Whip, Raymond Buckley.

Deputy Democratic Whip, Christine M. Konys.

The Democratic Leader appointed Reps. Burnham, Fuller Clark, David Cote, Estabrook, Foster, Knowles, Lundborn Carol Moore, Janet Wall and Wallner as Assistant Democratic Leaders.

### RECESS

#### (Speaker Sytek in the Chair)

The Speaker appointed Standing Committees of the House as follows:

### CHILDREN & FAMILY LAW

#### REPUBLICANS

Dowling, Patricia A., Chairman  
 Lyman, L. Randy, Vice Chairman  
 Arnold, Thomas I., Jr.  
 Brown, Julie M.  
 Gagnon, Eugene L.  
 Bickford, David A.  
 Nolan-Piteri, Dawn C.  
 Tate, Joan C.  
 Hutchinson, Karen K.  
 Asplund, Bronwyn L.  
 Coughlin, Pamela D.  
 Jones, Constance A.  
 Moran, Edward P. Jr.

#### DEMOCRATS

Pratt, Irene A.  
 Allison, David C.  
 Richardson, Barbara Hull  
 Johnson, Lionel W.  
 Grassie, Anne C.  
 Pantelakos, Laura C.  
 Ginsburg, Ruth  
 Gile, Mary Stuart  
 McIntyre, Sara B.



**COMMERCE****REPUBLICANS**

Hunt, John B., Chairman  
 Herman, Keith R., Vice Chairman  
 Tsiros, William.  
 Belanger, Ronald J.  
 Francoeur, Sheila T.  
 McGough, Tim S.  
 Avery, Stephen G.  
 Kenney, Joseph D.  
 Langley, Jane S.  
 Pappas, Marc P.  
 Dalianis, Griffin T.  
 DiFruscia, Anthony R.  
 Marshall, Gene B.

**DEMOCRATS**

Clark, Martha Fuller  
 Crosby, Toni M.  
 Russell, Ronald G.  
 Reardon, Tara G.  
 Vachon, Dennis P.  
 Taylor, Kathleen N.  
 Curran, James C.  
 Garrish, Linda L.  
 Keye, Harvey

**CRIMINAL JUSTICE & PUBLIC SAFETY****REPUBLICANS**

Welch, David A., Chairman  
 Christie, Andrew, Jr., Vice Chairman  
 Hansen, Herbert R.  
 Dunham, Vivian L.  
 Sargent, Maxwell D.  
 Pepino, Leo P.  
 Flora, Kathleen M.  
 Mikowski, Walter J.  
 Fesh, Robert M.  
 MacDonald, Kenneth J.  
 Weare, Everett A.  
 Andrews, Frederick B.  
 Johnson, James M.

**DEMOCRATS**

Knowles, William V.  
 Doucette, Richard F.  
 Berube, Roger R.  
 Schanda, Frank M.  
 O'Keefe, Patricia M.  
 McCarthy, William J.  
 Robertson, Timothy N.  
 Callaghan, Frank D.  
 Rodd, Beth

**EDUCATION****REPUBLICANS**

O'Hearn, Jane E., Chairman  
 Durham, Susan B., Vice Chairman  
 Searles, Stanley N., Sr.  
 Dearborn, Bruce L.  
 Henderson, Warren C.  
 Larrabee, David E.  
 Weber, Phil A.  
 Hoadley, Elizabeth K.  
 Rabideau, Marie N.  
 Flint, Gordon B.  
 McKinley, Robert E.  
 Davis, Perley E.  
 Alger, John, R.M.  
 Cox, Russell N.  
 Ward, Brien L.

**DEMOCRATS**

Guest, Robert H.  
 Riley, William A.  
 Yeaton, Charles B.  
 Snyder, Clair A.  
 Jean, Claudette R.  
 Pelletier, Arthur J.  
 Estabrook, Iris W.  
 White, John M.

**ELECTION LAW****REPUBLICANS**

Arndt, Janet S., Chairman  
 Horton, Lynn C., Vice Chairman  
 Flanagan, Natalie S.  
 Stritch, C. Donald  
 Gibbons, Paul A.  
 Desrosiers, William J.  
 Clegg, Robert E., Jr.  
 Letourneau, Robert J.  
 Davis, Francis W.  
 Boriso, Thomas J.  
 Young, David A.  
 Nowe, Mary Lou  
 Reeves, Sandra J.

**DEMOCRATS**

Clemons, Jane A.  
 Buckley, Raymond  
 Brown, George F.  
 Weatherspoon, Jackie K.  
 Konys, Christine M.  
 Cote, David E.  
 Rollo, Michael S.  
 Splaine, James R.  
 Rodrigue, Robert R.

**ENVIRONMENT & AGRICULTURE****REPUBLICANS**

Musler, George T., Chairman  
 Leishman, Peter R., Vice Chairman  
 Messier, Irene M.  
 Pratt, Leighton C.  
 McRae, Karen K.  
 Philbrick, Donald R.  
 Babson, David L., Jr.  
 Phinney, William R.  
 Marshall, Kenneth R.  
 Dunlap, Patricia C.  
 Franks, Suzan, L.R.  
 Scanlan, David M.  
 Cobb, John S.  
 Harmon, Hobart M.

**DEMOCRATS**

Hall, Betty B.  
 Owen, Derek  
 Melcher, Harold P.  
 Meader, David R.  
 Ouellette, Mary M.  
 Phinizy, James  
 Shelton, Richard C.

**INDEPENDENT**

Tuthill, John G.

**EXECUTIVE DEPARTMENTS & ADMINISTRATION****REPUBLICANS**

Mercer, Robert S., Chairman  
 Goulet, Maurice E., Vice Chairman  
 Dyer, Merton S.  
 Langer, Ray F.  
 Holley, Sylvia A.  
 Moore, Benjamin E.  
 Dickinson, Howard C.  
 Stickney, Nancy C.  
 Sapareto, Frank V.  
 Hamel, Albert W.  
 Millham, Alida I.  
 O'Neil, Michael  
 Poulin, David  
 Zolla, William R.

**DEMOCRATS**

Murphy, Robert E.  
 Reidy, Frank J.  
 Virtue, Caroline A.  
 Batchelder, Robert C.  
 Burkush, James A.  
 Courchesne, Judy A.  
 Landers, Dana L.  
 Lent, Donald R.

**FINANCE****REPUBLICANS**

Kurk, Neal M., Chairman  
 Torr, Franklin G., Vice Chairman  
 Holbrook, Robert G.  
 Johnson, Robert A.  
 Nichols, Avis B.  
 Weyler, Kenneth L.  
 Alukonis, David J.  
 Thulander, O. Alan  
 Belvin, William S.  
 Stone, Joseph E.  
 Hunter, Bruce F.  
 MacGillivray, Jeffrey C.  
 LaRose, Richard J.  
 Major, Norman L.  
 Boyce, Robert K.  
 Anderson, Eric  
 Clark, Vivian R.

**DEMOCRATS**

Wallner, Mary Jane  
 Lynch, Margaret A.  
 Vaughn, Charles L.  
 Hawkinson, Marie C.  
 Dwyer, Paul J., Sr.  
 Wallin, Jean R.  
 Smith, Marjorie K.  
 Moore, Carol F.  
 Almy, Susan W.  
 Vaillancourt, Steve

**HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS****REPUBLICANS**

Emerton, Lawrence A., Chairman  
 Batula, Peter L., Vice Chairman  
 Chabot, Robert F.  
 Manning, Joseph P.  
 Case, Margaret A.  
 Perkins, Paul R.  
 Dawe, Eileen P.  
 Katsakiores, Phyllis M.  
 Feuerstein, Martin  
 Pilliod, James P.  
 Dalrymple, Janeen  
 Wendelboe, Francine  
 Martel, Andre A.  
 Ruffner, Walter D.

**DEMOCRATS**

Copenhaver, Marion L.  
 Kane, Cecelia D.  
 Haettenschwiler, Alphonse A.  
 Burnham, Daniel M.  
 French, Barbara C.  
 Donovan, Thomas E.  
 Seldin, Gloria  
 Potter, Frances

**JUDICIARY****REPUBLICANS**

Mock, Henry P., Chairman  
 Peterson, Andrew R., Vice Chairman  
 Jacobson, Alf E.  
 Keans, Sandra B.  
 Bergin, Peter F.  
 Dokmo, Cynthia J.  
 Jean, Loren J.  
 Rowe, Robert E.  
 Ford, Nancy M.  
 Withee, Dennis, J.  
 Dudley, Terri C.  
 Picconi, Al J.  
 Soltani, Tony F.  
 Woods, Phyllis L.

**DEMOCRATS**

Wall, Janet G.  
 DePecol, Benjamin J.  
 Pratt, John M.  
 Craig, James W.  
 Lasky, Bette R.  
 Mitchell, McKim W.  
 Solow, Martha S.  
 Wood, Jane

**LABOR, INDUSTRIAL & REHABILITATIVE SERVICES****REPUBLICANS**

Daniels, Gary L., Chairman  
 Turner, Robert H., Vice Chairman  
 Clegg, Robert E., Jr.  
 Bishop, Franklin C.  
 Dolan, Richard E.  
 Christiansen, Lars T.  
 Kennedy, Richard E.  
 Putnam, Ed M. II  
 Bridle, Russell D.  
 Gilman, G. Michael  
 Hall, David A.  
 Torressen, Gary P.  
 Wall, Nancy W.  
 Whittier, John M.

**DEMOCRATS**

Mears, Edgar H.  
 Baroody, Benjamin C.  
 Hutchinson, Rebecca C.  
 Kelley, Jane P.  
 Wiggins, Celestine K.  
 Heon, Richard F.  
 Goley, Jeffrey P.  
 McColgan, Philip J., Jr.

**LEGISLATIVE ADMINISTRATION****REPUBLICANS**

Dyer, Merton S., Chairman  
 Young, David A., Vice Chairman  
 Chandler, Gene G.  
 Lozeau, Donnalee  
 Henderson, Warren C.  
 Whalley, Michael D.  
 Nowe, Ronald J.  
 Carson, Gregory G.  
 Horton, Lynn C.  
 Calawa, Leon, Jr.  
 Thomas, John H.  
 McCarty, Winston H.  
 Tholl, John E., Jr.  
 Nowe, Mary Lou

**DEMOCRATS**

Burling, Peter Hoe  
 DePecol, Benjamin J.  
 Pelletier, Marsha L.  
 Nordgren, Sharon L.  
 Copenhaver, Marion L.  
 Hall, Betty B.  
 Lundborn, Raymond A.  
 Mears, Edgar H.

**MUNICIPAL & COUNTY GOVERNMENT****REPUBLICANS**

Hess, David W., Chairman  
 Patten, Betsey L., Vice Chairman  
 Golden, Paul A.  
 Cote, Patricia L.  
 Rice, Thomas E.P., Jr.  
 Brundige, Robert W.  
 Sabella, Norma A.  
 Griffin, Mary E.  
 Leone, Richard C.  
 Noyes, Richard  
 Hager, Elizabeth S.  
 Akins, Ralph  
 Lovejoy, Marian E.  
 Lockwood, Priscilla P.

**DEMOCRATS**

Foster, Linda T.  
 Fraser, Marilyn A.  
 McGuirk, Paul A.  
 Salatiello, Thomas B.  
 St. Cyr, Gerard L.  
 Sarette, John C.  
 Simon, Anthony F.  
 Zerba, Roger

**PUBLIC WORKS & HIGHWAYS****REPUBLICANS**

Smith, Edwin O., Chairman  
 Calawa, Leon, Jr., Vice Chairman  
 LaMott, Paul I.  
 Whittemore, James A.  
 Merrill, Gerald P.  
 Gleason, John P.  
 McCarty, Winston H.  
 Raynowska, Bernard J.  
 Tholl, John E., Jr.  
 Verani, Giovanni M.  
 Leber, William E.  
 Spear, Barbara L.  
 Beaupre, Roland O.  
 Morse, Charles W.

**DEMOCRATS**

Cloutier, John R.  
 DeChane, Marlene M.  
 Daigle, Robert A.  
 Daneault, Gabriel J.  
 Brennan, William P.  
 Ahern, Richard F.  
 Bouchard, Candace White  
 Shultis, Elizabeth C.

**RESOURCES, RECREATION & DEVELOPMENT****REPUBLICANS**

Royce, H. Charles, Chairman  
 Lawton, David M., Vice Chairman  
 Whalley, Michael D.  
 Crowell, Peter O.  
 St. Hilaire, Paul E.  
 Cooney, Richard T.  
 Kibbey, David D.  
 Mirski, Paul M.  
 Lawton, Robert M.  
 Lavoie, Gerard H.  
 O'Connell, Timothy D.  
 Corbin, C. David  
 Roberts, William E.

**DEMOCRATS**

Blanchard, Mary Ann N.  
 Downing, Michael W.  
 Williams, Carol A.  
 Lefebvre, Roland J.  
 Robb-Theroux, Amy E.  
 Fortnam, Janet  
 Glines, Sara B.  
 Spang, Judith T.

**RULES****REPUBLICANS**

Sytek, Donna, Chairman  
 Lozeau, Donnalee, Vice Chairman  
 Chandler, Gene G.  
 Henderson, Warren C.  
 Whalley, Michael D.  
 Flanders, John W., Sr.  
 Kurk, Neal M.  
 Clegg, Robert E. Jr.  
 Vacancy

**DEMOCRATS**

Burling, Peter Hoe  
 Nordgren, Sharon L.  
 Buckley, Raymond  
 Konys, Christine M.  
 Cote, David E.  
 Clark, Martha Fuller

**SCIENCE, TECHNOLOGY & ENERGY****REPUBLICANS**

Bradley, Jeb E., Chairman  
 Guay, Lawrence J., Vice Chairman  
 Rosen, Ralph J.  
 Ham, Bonnie D.  
 Howard, Godfrey G.  
 Thomas, John H.  
 White, Donald B.  
 Maxfield, Roy D.  
 Tufts, J. Arthur  
 Arnold, Thomas I.  
 Eaton, Stephanie  
 Varrell, Thomas A.  
 Grant, Kenneth R.

**DEMOCRATS**

Norelli, Terie T.  
 Lynde, Harold V.  
 Pitts, Jacqueline A.  
 Kaen, Naida L.  
 Gilmore, Gary R.  
 Bergeron, Lucien G.  
 Densmore, Jessica E.  
 Moriarty, Mary M.

**STATE-FEDERAL RELATIONS & VETERANS AFFAIRS****REPUBLICANS**

Tufts, J. Arthur, Chairman  
 Gagnon, Eugene L., Vice Chairman  
 Fields, Dennis H.  
 Fenton, James J.  
 Rubin, George R.  
 Reardon, Neil J.  
 Flanders, David A.  
 Hinman, Harry T.  
 Dalianis, Griffin T.  
 Marple, Richard  
 Ouellette, Dean  
 Priestley, Anne K.  
 Quandt, Marshall E.

**DEMOCRATS**

Lynott, Margaret E.  
 Domingo, Baldwin M.  
 Drabinowicz, A. Theresa  
 Herman, Richard P.  
 McDonald, James A., Sr.  
 Vincent, Francis C.  
 Twardus, Joseph R.  
 Johnson, Gary L.  
 McDonough-Wallace, Alice T.

**TRANSPORTATION****REPUBLICANS**

Packard, Sherman A., Chairman  
 Flanders, John W., Sr., Vice Chairman  
 Katsakiores, George N.  
 Bartlett, Gordon E.  
 Milligan, Robert H.  
 Boriso, Thomas J.  
 Kobel, Rudolph J.  
 Langone, John S.  
 Letourneau, Robert J.  
 Cossette, Larry J.  
 Beaulieu, Jon P.  
 Bruno, Pierre W.  
 Czech, Stanley E.  
 Mosher, William E.

**DEMOCRATS**

Turgeon, Roland M.  
 Cote, Peter R.  
 Haley, Robert J.  
 Leonard, Peter F.  
 Arthur, Rose H.  
 LaPorte, George A.  
 Lerandeau, Alfred C.  
 Mendenhall, Leslie J.



**WILDLIFE & MARINE RESOURCES****REPUBLICANS**

Nowe, Ronald J., Chairman  
MacNeil, Allen K., Vice Chairman  
L'Heureux, Robert  
Lessard, Rudy  
Carlson, Donald  
McKinney, Betsy  
Chandler, Gene G.  
Phinney, William R.  
Desmarais, Vivian J.  
Rose, William B.  
Brewster, Richard P.  
Brothers, Richard S.  
Fletcher, Richard E.  
Woodward, David S.

**DEMOCRATS**

Abbott, Dennis F.  
Rogers, Rose Marie  
Martin, Mary Ellen  
Blaisdell, Michael J.  
Chase, George W.  
Gagnon, Paul E.  
Gorman, Mary J.  
Johnson, Nancy K.

**RECESS****(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 2

Wednesday, January 6, 1999

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Daniel B. Randall from the Congregational Church in Lee, New Hampshire.

Holy One, who is untamed by any name we give You, as we gather at the beginning of this new year, lead these elected officials in the broad way of trust; enable them to act justly on behalf of the people of this great state, whom they serve. Deepen their commitment to collaboration, that together they may tear down the stone wall of partisanship. Empower them to be bold participants in the drama of those challenging issues before them, to exercise the authority of integrity and honesty, and by Your grace, may they find the treasures of joy, of friendship and of peace hidden in the fields of possibilities You have given them to plow. Amen.

Rep. Glines led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Dunham, Patricia Cote, Hansen, Flanagan, McGuirk, Rubin and Zerba, the day, illness.

Reps. Flint, Priestley and Carol Williams, the day, important business.

Rep. Nancy Johnson, the day, death in the family.

### INTRODUCTION OF GUESTS

Purr and Edith Whalley, wife and mother of Rep. Whalley. Liane Faith and Joseph Heffernan, guests of Rep. Sapareto.

### COMMUNICATIONS

December 8, 1998

William M. Gardner, Secretary of State:

Donna Sytek, Speaker of the House:

It is with heavy heart that I must announce that I will not be taking the position of State Representative for Carroll County District 2, the towns of Conway and Hales Location.

I have moved from my district and taken a new position that will not allow me to continue serving the New Hampshire General Court as a member.

As we discussed, I will be sending notification to my Selectmen in Conway so they can make the arrangements for a special election.

It has been a tremendous honor and privilege working with you, the members and staff.

Kipp A Cooper, Carr. 2

December 16, 1998

Karen Wadsworth, Clerk of the House

This is to advise you that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Carroll 6, Joseph D. Kenney, r, Wakefield (PO Box 263, Sanbornville) 03872

Grafton 7, Harry T. Hinman, r, Plymouth (20-C Russell Street) 03264

Hillsborough 28, Sylvia A. Holley, r, Nashua (6 Benton Drive) 03060

Hillsborough 31, Roland J. Lefebvre, d, Nashua (19 Dane Street) 03060

Rockingham 29, Walter J. Mikowski, r, Londonderry (64 Hardy Road) 03053

Strafford 3, Barbara L. Spear r, Farmington (2 Memorial Drive) 03835

Sullivan 4, Celestine K. Wiggins, Newport (PO Box 140, Guild) 03754

William M. Gardner, Secretary of State

January 6, 1999

Karen O. Wadsworth, Clerk of the House.

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Grafton 2, Gene B. Marshall, r, Lisbon (PO Box 83) 03585

Hillsborough 43, Robert J. Haley, d, Manchester (147 Beech St.) 03103

Merrimack 13, James A. Whittemore, r, Franklin, (PO Box 6058) 03235

William M. Gardner, Secretary of State

### RESOLUTION

Reps. Chandler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.

Adopted.

### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.

### JOINT CONVENTION

(Speaker Sytek presiding)

### RESOLUTION

Rep. Chandler and Sen. Larsen offered the following:

RESOLVED, that the Honorable Deputy Secretary of State be requested to lay before the Convention the return votes for Governor and Executive Council.

Adopted.

Robert P. Ambrose, Deputy Secretary of State, appeared before the Joint Convention and laid before the Joint Convention the return of votes for Governor and Executive Councilors cast in the General Election held November 3, 1998 as follows:

### FOR GOVERNOR

	<b>Jeanne Shaheen, d</b>	<b>Jay Lucas, r</b>	<b>Ken Blevens, i</b>
Belknap	9,434	4,892	379
Carroll	8,737	4,667	320
Cheshire	13,793	5,220	563
Coos	6,351	2,966	207
Grafton	14,521	6,736	563
Hillsborough	59,436	31,108	2,592
Merrimack	27,606	9,503	1,256
Rockingham	43,627	23,108	1,831
Strafford	19,341	6,640	657
Sullivan	7,923	3,633	287
<b>TOTALS</b>	<b>210,769</b>	<b>98,473</b>	<b>8,655</b>

Jeanne Shaheen, having a plurality of 112, 296 votes was elected.

### FOR EXECUTIVE COUNCILORS

#### First District

Raymond S. Burton, r	44,751
R. J. Crowley, d	21,571
Plurality for Burton	23,180

#### Second District

Peter J. Spaulding, r	36,474
John D. Shea, d	27,371
Plurality for Spaulding	9,103

**Third District**

Ruth L. Griffin, r	38,174
Lou Goscinski, d	22,838
Plurality for Griffin	<u>15,336</u>

**Fourth District**

Thomas Colantuono, r	28,461
James Normand, d	28,219
Plurality for Colantuono	<u>242</u>

**Fifth District**

Bernard A. Streeter, Jr., r	35,342
Ramsay McLauchlan, d	23,365
Plurality for Streeter, Jr.	<u>11,977</u>

**RESOLUTION**

Rep. Burling and Sen. Johnson offered the following:

RESOLVED, that the vote for Governor and Council be referred to a committee consisting of two on the part of the Senate and three on the part of the House to compare and count the same and report thereon.

Adopted.

The Chair appointed Reps. LaMott, Copenhaver and Flanagan and Sens. Roberge and John King.

Sen. Larsen and Rep. Chandler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

**RECESS****(Speaker Sytek in the Chair)****REMARKS**

Speaker Sytek addressed the House.

Rep. Daniels moved that the remarks made by the Speaker be printed in the Journal.

Adopted.

It is always good to start the new year by clearing away unfinished business. Those of you who were here on the evening of my election as Speaker might remember that I owe you an acceptance speech. Well, I do proudly accept the honor of being your presiding officer for this historic session of the Legislature. It is a privilege to work with you to do the business of the people of New Hampshire.

This session we will likely deliberate hundreds of bills, as we usually do. But this year, one issue overshadows all the rest. The number-one item on our agenda will be to respond to the Claremont II decision.

We must resolve today to build the consensus that will be necessary to meet the April 1 deadline. We had a successful Claremont forum in December, and another is planned for next week. We will use every tool at our disposal to see that each member is informed and involved in the process of responding to the court decision. I am committed to full consideration of everyone's ideas and a process to allow that to happen most expeditiously.

The chairman of the Finance Committee, Neal Kurk, has already named a special Claremont division of his newly enlarged committee. They will be starting hearings the week of January 18. We have informally agreed that the House will act on the key Claremont proposals by February 18 in order to give our colleagues in the Senate time to act. This is an ambitious schedule, I know, but these are no ordinary times.

The manner in which we work together will influence much of what we are able to accomplish. I'm asking each of you to resolve always to act in a manner that shows respect for this House. I assure you that as long as I am in the chair, I will insist that civility and courtesy characterize all our proceedings. Parliamentary procedure and legislative etiquette are the tools we use so we can disagree, regroup, and come together to govern again. Every member has a right to be heard without

distracting behavior or personal criticisms from colleagues. We have times ahead that may try our patience. Respect for one another and for the importance of our work should guide our behavior. Let's make New Hampshire proud of us.

While we wrestle with the education funding issue, we must be careful not to neglect our other duties. People count on us to act not only on the big issues that grab the headlines, but also on the lesser-known issues that are simply good government. Every one of our 18 committees will be working on matters that are important to someone. Whether it is HMO's, juvenile justice, judicial reform or sludge, every idea deserves our best effort. Every voice needs to be heard.

Today, we begin in earnest the job of shepherding New Hampshire into the 21<sup>st</sup> century. I urge you to pause every now and then from the deliberations of the day and take in the great history which surrounds us here in the House. Think of the great leaders who walked these aisles, who spoke with passion and conviction from the well, who wielded the gavel. They were the men and women who shaped our state in generations past. It is now our turn to take over the stewardship of our state. It is our turn to determine the legacy we will leave our children and grandchildren. The voters who sent us here have told us that we are worthy of the task. We must prove them right. Together, I know that we can.

Now, let's get down to the business of the people of New Hampshire.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 100, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

## INTRODUCTION OF HOUSE BILL

### First and second reading

**HB 100-FN-L**, adopting certain interim provisions as a result of the Claremont decision to enable municipalities to continue to fund education. (Chandler, Carr 1; Kurk, Hills 5; Burling, Sull 1; Torr, Straf 12; Knowles, Straf 11; A. Pelletier, Straf 12; Blaisdell, Dist 10; F. King, Dist 1; Johnson, Dist 3; Larsen, Dist 15; Hollingworth, Dist 23)

## SUSPENSION OF RULES

Reps. Chandler and Burling moved that the rules be so far suspended as to permit consideration at the present time of **HB 100-FN-L**, adopting certain interim provisions as a result of the Claremont decision to enable municipalities to continue to fund education, without the required referral to committee, proper hearing and notice.

Adopted by the necessary two-thirds.

## CONSIDERATION OF HB 100

**HB 100-FN-L**, adopting certain interim provisions as a result of the Claremont decision to enable municipalities to continue to fund education.

Rep. Chandler moved Ought to Pass and spoke in favor.

Rep. Karen Hutchinson spoke against.

Reps. Kurk, Jacobson and Burling spoke in favor.

Adopted.

## SUSPENSION OF RULES

Reps. Chandler and Burling moved that the rules be so far suspended as to permit third reading and final passage at the present time of **HB 100-FN-L**, adopting certain interim provisions as a result of the Claremont decision to enable municipalities to continue to fund education.

Adopted by the necessary two-thirds.

## MOTION ON HOUSE BILL 100

Rep. Chandler moved that **HB 100-FN-L**, adopting certain interim provisions as a result of the Claremont decision to enable municipalities to continue to fund education, be read a third time and passed.

Adopted.

### Third reading and final passage

**HB 100-FN-L**, adopting certain interim provisions as a result of the Claremont decision to enable municipalities to continue to fund education.

### AMENDMENT TO HOUSE RULES

Rep. Lozeau moved that House Rules be amended as offered by the Rules Committee.

#### Amendment (0006h)

Amend Rule 30 by replacing it with the following:

30. The following standing policy committees shall be appointed at the commencement of any session and will consist of not more than 22 members, except the Committee on Finance will consist of not more than 29 members: Children and Family Law; Commerce; Criminal Justice and Public Safety; Education; Election Law; Environment and Agriculture; Executive Departments and Administration; Finance; Health, Human Services and Elderly Affairs; Judiciary; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Works and Highways; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations and Veterans Affairs; Transportation; and Wildlife and Marine Resources.

(a) It shall be the duty of the Committee on Children and Family Law to consider matters relating to children and youth, their rights, obligations, and protection, including all matters covered by RSA 169-B, 169-C, and 169-D, divorce, custody and child support; and such other matters as may be referred to it.

(b) It shall be the duty of the Committee on Commerce to consider all matters pertaining to commerce, banks and banking institutions; insurance companies and contracts or insurance of any character; the needs of the business community; all matters relating to consumer affairs and the economic conditions of commerce and industry; all matters relating to the economic development of the state, and such other matters as may be referred to it.

(c) It shall be the duty of the Committee on Criminal Justice and Public Safety to consider all matters relating to criminal justice, the Department of Corrections, sentencing, drug enforcement, bail, probation, parole, corrections facilities, DWI, domestic violence, firearms, fireworks, police and fire training, victims' assistance and such other matters as may be referred to it.

(d) It shall be the duty of the Committee on Education to consider subjects relating to the regulation of school districts and schools; the postsecondary college system; the University System of New Hampshire; matters concerning education; and such other matters as may be referred to it.

(e) It shall be the duty of the Committee on Election Law to consider all matters relating to the election laws of the state, including campaign finance, the Ballot Law Commission, and redistricting, and such other matters as may be referred to it.

(f) It shall be the duty of the Committee on Environment and Agriculture to consider all matters concerning agricultural and farm problems of the state, physical land use including current use, the various agricultural organizations, the protection of the state's environment from forms of pollution other than air or water pollution, waste management issues, and such other matters as may be referred to it.

(g) It shall be the duty of the Committee on Executive Departments and Administration to consider matters pertaining to the general administration of state laws and changes therein; matters of policy pertaining to the executive departments; matters relating to the New Hampshire Retirement System; professional licensing; and such other matters as may be referred to it.

(h) It shall be the duty of the Committee on Finance to examine and consider the state of the treasury; to consider the budget, subjects concerning the financial interest of the state, all measures carrying appropriations of state money, except claims against the state; all bills and resolutions relating to raising money by a state tax and the apportionment of same and all other methods for raising revenue for the state, and such other matters as may be referred to it. Prior to the report of the Finance Committee to the House, the Speaker may refer the budget of certain self-sustaining state agencies to appropriate committees for study and recommendation. The Committee on Finance shall report to the house in the form of a resolution its estimates of state revenues on a periodic basis.

(i) It shall be the duty of the Committee on Health, Human Services and Elderly Affairs to consider all matters concerning the health of the inhabitants of the state; vital statistics; medical and related professions; the administration of welfare activities by the state government; matters relating to the special needs of our elderly citizens and such other matters as may be referred to it.

(j) It shall be the duty of the Committee on Judiciary to consider all matters relating to the judicial system, right-to-know law, guardianships, life and death (such as abortion or assisted death), landlord/tenant rights, civil proceedings, tort law, forfeiture, immunity, and probate; and such other matters as may be referred to it.

(k) It shall be the duty of the Committee on Labor, Industrial and Rehabilitative Services to consider all matters relating to labor, wages, and workers' compensation including unemployment compensation and incentive programs, collective bargaining and binding arbitration; matters relating to job retraining and employee rehabilitative services and other matters relating to balancing the rights of employees to the needs of the industrial sector; and such other matters as may be referred to it.

(l) It shall be the duty of the Committee on Legislative Administration to consider all matters pertaining to the legislative process including mileage, elections, the journal, house resolutions and screening; enrolling bills; and such other matters relating to legislative administration as may be referred to the committee. Any matter referred by the chairman to any subcommittee may be reported by that subcommittee directly to the House unless otherwise ordered by the chairman.

(1) It shall be the duty of the Subcommittee on Elections to examine and report on the credentials of the members elected to serve in the House and to consider all petitions and other matters in relation to such elections or returns as shall be presented or come into question and may be referred to it.

(2) It shall be the duty of the Subcommittee on Mileage to determine the distance traveled by each member of the House and report to the House the names of the several members and the mileage allowed to each.

(3) It shall be the duty of the Subcommittee on Enrolled Bills to carefully examine each bill, enroll it, and report it, on behalf of the committee, to the body. If the examination of a bill shall disclose any clerical error or formal imperfection, it shall be reported back to the body with such amendments as are required to correct the same; and any measures so reported shall be subjected to amendment in those particulars and in no other respect.

(m) It shall be the duty of the Committee on Municipal and County Government to consider all matters pertaining to the salaries of town, city and county officers; changes in municipal and county government; the boundary lines of towns, cities and counties; the creation of new towns, cities and counties; local revenue, including fees, property taxes and exemptions; and such other matters as may be referred to it.

(n) It shall be the duty of the Committee on Public Works and Highways to consider all matters pertaining to public highways, buildings and capital construction; the capital budget; matters pertaining to the protection, improvement and preservation of the coastline; the care of state memorials and monuments; and such other matters as may be referred to it.

(o) It shall be the duty of the Committee on Resources, Recreation and Development to consider all matters relating to natural resources, water pollution and control; parks and recreational areas; recreational industries; matters concerning state controls on property development; and such other matters as may be referred to it.

(p) It shall be the duty of the Committee on Rules to consider all matters pertaining to House procedural rules and deadlines; and to recommend rules of proper debate.

(q) It shall be the duty of the Committee on Science, Technology and Energy to consider all matters pertaining to energy, telecommunications, air pollution, the jurisdiction of the Public Utilities Commission, the application of technological advances to the legislative process and the operation of state government, to coordinate the flow of information about technical and scientific matters to state and federal agencies and legislative committees, to monitor legislation referred to other committees in order to make suggestions for inclusion of technological improvements where warranted, and such other matters as may be referred to it.

(r) It shall be the duty of the Committee on State-Federal Relations and Veterans Affairs to consider all matters pertaining to the National Guard and other military or veterans' organizations within the state, emergency management, potential actions by the U.S. Congress which will have a major impact on the state and the New England region, and all proposed resolutions petitioning

the Congress on any matter; to maintain communication with the congressional delegation; to serve as a liaison between the New Hampshire House and the United States Congress and such other matters as may be referred to it.

(s) It shall be the duty of the Committee on Transportation to consider all matters pertaining to development, operation, regulation and control of all means of air, land and water transportation; and such other matters as may be referred to it.

(t) It shall be the duty of the Committee on Wildlife and Marine Resources to consider all matters concerning conservation, improvement and preservation of fish, game and non-game species and marine resources within the state; and such other matters as may be referred to it.

Amend Rule 35(d) and (e) by replacing them with the following:

(d) In the first-year session, there shall be no limitation on the subject matter of legislation introduced. As soon as possible after the end of the first-year session, the Clerk shall publish in the House Calendar those bills voted inexpedient to legislate, indefinitely postponed or re-referred in the first-year session, and those bills which created study committees with November 1 reporting deadlines. The listings shall be in numerical order by bill number/title, and in committee order by bill number/title.

(e) In the second year session no bill or resolution shall be introduced if it is substantially similar to any legislation which was indefinitely postponed or voted inexpedient to legislate by the House in the first-year session, unless it has been approved by a majority of the House Rules Committee or a two-thirds vote of those House members present and voting, whether as a bill, an amendment, a committee of conference report or in any other manner. A request shall not be accepted to draft any bill which is the same, or essentially the same, as any bill voted inexpedient to legislate, indefinitely postponed, re-referred, or made the subject of a statutory study committee in the first-year session unless approved for drafting and introduction by a majority vote of the House Rules Committee or a two-thirds vote of those House members present and voting.

Amend Rule 36(b) by replacing it with the following:

(b) All bills, resolutions, petitions, memorials and other papers addressed to the House, shall be endorsed with the name and the district of the legislator presenting them. All legislation shall be numbered serially according to type of legislation introduced. Each bill shall be marked on the first page "House Bill"; each joint resolution shall be marked "House Joint Resolution"; other concurrent resolutions shall be marked "House Concurrent Resolution"; and each house resolution shall be marked "House Resolution."

Amend Rule 36(d) by replacing it with the following:

(d) No LSR number shall be assigned and no House bill shall be drafted unless the LSR or bill has a House sponsor. No more than 5 House members shall be allowed to sponsor any bill or floor amendment. No more than 5 Senate members shall be allowed to co-sponsor legislation originating in the House. If more than five House members wish to be sponsors, the person who first requested the drafting of the bill, house resolution, concurrent resolution, joint resolution, or constitutional amendment-concurrent resolution shall determine the names of the 4 co-sponsors whose signatures are required for introduction. Other House members may be added as co-sponsors by notifying the Clerk prior to the date of the first public hearing on the proposal, and their names shall be recorded in the permanent journal of that session.

Amend Rule 37 by replacing it with the following:

37. Every request by a member of the House for drafting a bill, house resolution taking a policy position, concurrent resolution, constitutional amendment-concurrent resolution, or joint resolution other than the general budget or the capital budget bill, shall be accepted by the Office of Legislative Services for processing no later than the date specified by Rule 64. Each request shall be accompanied by sufficient information necessary for drafting. This deadline shall not apply to house resolutions which do not propose policy positions. Such resolutions may be accepted for drafting by the Office of Legislative Services at any time.

Amend Rule 38 by inserting after paragraph (c) the following:

(d) An LSR may be withdrawn at any time prior to its introduction with the consent of all of its sponsors. Any sponsor may request that his or her name be deleted as a sponsor of the bill prior to its introduction.

Amend Rule 40 by replacing it with the following:



40. All House Bills, House Joint Resolutions, House Concurrent Resolutions and House Resolutions proposing that the House take a policy position may be introduced at any time prior to any deadline established by the House for their introduction. Exceptions:

(a) Notwithstanding any other provisions of the Rules, a House Bill, House Joint Resolution, or House Concurrent Resolution may be introduced into the House at any time prior to the crossover date specified in Rule 64, if approved by either a majority of the Committee on Rules, or a two-thirds vote on the floor; and

(b) House Resolutions proposing that the House take a policy position may be introduced into the House at any time after the deadline for introduction of bills and resolutions if approved by either a majority of the Committee on Rules, or a two-thirds vote on the floor.

Amend Rule 43 by replacing it with the following:

43. A hearing shall be held on each bill referred to a committee. Notice of committee action shall be posted as follows:

(a) Public hearings shall be advertised in the House Calendar no less than 4 days prior to a hearing.

(b) Executive sessions shall be advertised in the House Calendar no less than 2 days prior to committee action or announced on the floor of the House by the Chairman of the appropriate committee.

(c) All other committee or subcommittee meetings at which decisions are made or information is received shall be advertised in the House Calendar or, if scheduled after the calendar deadline, shall be posted in the Clerk's Office and outside the committee room at least 24 hours prior to the meeting.

(d) When requested by the President of the Senate, the Speaker may authorize and direct the appropriate House committee or committees to sit with the appropriate Senate committee or committees at a public hearing of any Senate bill, and no further public hearing on such bill shall be required when such bill is received subsequently in the House from the Senate.

Amend Rule 44(b) by replacing it with the following:

(b) All committee reports on bills shall be printed in the House Calendar at least once prior to the date listed for floor action. If a bill is reported favorably with an amendment, the committee report shall describe the bill as amended. The amendment shall be printed in the House Calendar.

Amend Rule 44(d) by replacing it with the following:

(d) No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a violation of Part I, Article 28-a of the N.H. Constitution. The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of this Rule.

Amend Rule 46(c) by replacing it with the following:

(c) All bills and resolutions addressing licensure and/or certification shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Executive Departments and Administration for a further report on the effect of the passage of such a bill or resolution. All those bills requiring agencies to adopt rules pursuant to RSA 541-A shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Executive Departments and Administration for a further report on the effect of the passage of such bill or resolution on rulemaking pursuant to RSA 541-A.

Amend Rule 46(e) by replacing it with the following:

(e) The chairmen of committees receiving a bill or referral as outlined in this rule with the approval of the Speaker may decline the referral of any bill from another committee or, notwithstanding the provisions of Rule 43 (a), waive the public hearing on any bill referred from another committee.

Reps. Lozeau and Robert Lawton spoke in favor.

Reps. Keans and John Pratt spoke to the amendment.

Adopted.

## RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 51-99 and 201-233, House Concurrent Resolution num-

bered 1, and Constitutional Amendment Concurrent Resolutions numbered 1-6, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HCR and CACRs

### First, second reading and referral

**HB 51**, providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture markets and food to adopt rules relative to standards for such equipment. (Melcher, Hills 11; Owen, Merr 6; McRae, Hills 7: Environment and Agriculture)

**HB 52**, exempting certain currants and gooseberries resistant to the white pine blister rust organism from restrictions on planting in control areas. (Melcher, Hills 11; Owen, Merr 6; F. King, Dist 1: Environment and Agriculture)

**HB 53**, establishing a process for reviewing judges. (Hunter, Hills 7; Pepino, Hills 40: Judiciary)

**HB 54**, allowing simultaneous service of a demand for rent and a notice to quit. (Rowe, Hills 14: Judiciary)

**HB 55-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2001. (Weyler, Rock 18: Finance)

**HB 56**, establishing a procedure for reinstating corporate charters that have been expired for more than 3 years. (Hunt, Ches 10: Commerce)

**HB 57**, relative to visiting traps. (Mock, Carr 3; MacNeil, Graf 7; Lessard, Hills 23; Rogers, Straf 15; Rollo, Straf 10: Wildlife and Marine Resources)

**HB 58**, establishing a committee to study open adoption in New Hampshire. (Allison, Sull 10; Richardson, Ches 12: Children and Family Law)

**HB 59-FN**, relative to upgrading a portion of U.S. Route 3. (Merrill, Coos 1; P. Davis, Coos 1; F. King, Dist 1: Public Works and Highways)

**HB 60**, relative to meetings of the ballot law commission. (Flanagan, Rock 14: Election Law)

**HB 61**, relative to political contributions by members of the ballot law commission. (Flanagan, Rock 14: Election Law)

**HB 62-L**, relative to the definition of an abutter for planning and zoning notification purposes. (Babson, Carr 5: Municipal and County Government)

**HB 63-FN-A**, relative to the Weekly Market Bulletin's budget and making an appropriation therefor. (Babson, Carr 5: Environment and Agriculture)

**HB 64**, relative to changes of registration for undeclared voters. (Keans, Straf 16; Arnold, Hills 20: Election Law)

**HB 65**, relative to dates of meetings for local political subdivisions which have adopted the official ballot. (Langer, Merr 11; Beaulieu, Rock 11; Hess, Merr 11; L'Heureux, Hills 18: Municipal and County Government)

**HB 66-FN**, relative to disability retirement benefits for retirement system members permanently incapacitated for duty. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

**HB 67**, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. (I. Pratt, Ches 5; Richardson, Ches 12; Allison, Sull 10; Keans, Straf 16; J. Brown, Straf 17: Children and Family Law)

**HB 68**, adding the name of Martin Luther King, Jr. to Civil Rights Day. (Pantelakos, Rock 30; L. Johnson, Hills 40; Bradley, Carr 8; Norelli, Rock 31; Splaine, Rock 34; Weatherspoon, Rock 20; Kelley, Rock 22; Pitts, Rock 35; Gile, Merr 16; Domingo, Straf 12; Seldin, Merr 17; Garrish, Hills 37; Nordgren, Graff 10; Konys, Hills 33; M. Smith, Straf 8; Fuller Clark, Rock 36; Burling, Sull 1; Peterson, Hills 8; Keye, Hills 30; Curran, Hills 9; Cohen, Dist 24; Below, Dist 5: Executive Departments and Administration)

**HB 69**, relative to overtime pay for hourly employees. (Clegg, Hills 23: Labor, Industrial and Rehabilitative Services)

**HB 70**, relative to increasing the fines for violating the child passenger restraint law. (Cloutier, Sull 8; Pilliod, Belk 3; Gleason, Rock 13: Transportation)

**HB 71-FN-L**, relative to authorizing agreements for the determination of each municipality's share of county costs. (Leone, Sull 2; Patten, Carr 9: Municipal and County Government)

- HB 72**, relative to the seasons for fishing on certain large lakes. (Dickinson, Carr 2; R. Nowe, Rock 3: Wildlife and Marine Resources)
- HB 73**, extending the reporting date of the commission to study the effects of and jurisdiction over alternative agricultural products. (R. Nowe, Rock 3; Babson, Carr 5; MacNeil, Graf 7; Mock, Carr 3; Wheeler, Dist 21: Wildlife and Marine Resources)
- HB 74**, relative to absentee voter lists. (Flanagan, Rock 14: Election Law)
- HB 75**, changing the number required for a quorum on the commission for human rights. (L. Jean, Hills 17: Executive Departments and Administration)
- HB 76**, relative to voter checkout and depositing ballots. (Arnold, Hills 20: Election Law)
- HB 77**, relative to the Melendy Pond Authority of Brookline, New Hampshire. (Arnold, Hills 20; B. Hall, Hills 20: Municipal and County Government)
- HB 78**, relative to candidates for office who are also moderators or town clerks. (Arnold, Hills 20: Election Law)
- HB 79**, relative to reports of shortages to the bank commissioner and to safe deposit box openings. (K. Herman, Hills 13: Commerce)
- HB 80**, making technical corrections in the banking laws. (T. Reardon, Merr 23; Francoeur, Rock 22: Commerce)
- HB 81**, establishing a committee to study the structure of the school administrative unit system in New Hampshire. (Hunter, Hills 7; Dickinson, Carr 2; Fenton, Hills 24; Jacobson, Merr 2; Emerton, Hills 7: Education)
- HB 82**, establishing a committee to study financial arrangements among hospitals, physicians, and insurance companies. (K. Herman, Hills 13; Francoeur, Rock 22: Commerce)
- HB 83**, prohibiting owners and operators of manufactured housing parks from charging residents 65 years of age and older fees for keeping dogs. (Doucette, Ches 19; Phinizy, Sull 7: Commerce)
- HB 84-FN**, requiring a one year mandatory prison sentence for a third driving while intoxicated conviction. (Dolan, Rock 12; A. Christie, Rock 22; Knowles, Straf 11; Schanda, Rock 19; Gordon, Dist 2: Criminal Justice and Public Safety)
- HB 85**, relative to statements of financial interests for certain board and commission members. (Beaulieu, Rock 11; Langer, Merr 11: Executive Departments and Administration)
- HB 86-A**, making a capital appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin. (Whittemore, Merr 13; Asplund, Merr 13: Public Works and Highways)
- HB 87-FN**, relative to penalties for marijuana possession. (Robertson, Ches 18; Clemons, Hills 31; Lynott, Ches 11; Garrish, Hills 37: Criminal Justice and Public Safety)
- HB 88-FN**, relative to purchasing credit for prior service for certain employees in the New Hampshire retirement system. (Thulander, Hills 6: Executive Departments and Administration)
- HB 89-FN-A**, making an appropriation for a department of transportation study of the state house complex to evaluate space needs. (Calawa, Hills 17; M. Fuller Clark, Rock 36; Buckley, Hills 44: Public Works and Highways)
- HB 90**, removing the prohibition on adoption and foster parenting by homosexual persons. (Buckley, Hills 44; DeChane, Straf 6; M. Fuller Clark, Rock 36; Splaine, Rock 34, Keans, Straf 16; Trombly, Dist 7; Cohen, Dist 24; Wheeler, Dist 21: Children and Family Law)
- HB 91-FN-A-L**, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected. (Rubin, Rock 25: Finance)
- HB 92**, exempting permanently disabled veterans from the requirement of reestablishing their disability status for the division of motor vehicles every 4 years to prove eligibility for special license plates. (Franks, Hills 26: Transportation)
- HB 93**, permitting a dam to be constructed on Rand Pond in Goshen. (Tuthill, Sull 5; Phinizy, Sull 7: Resources, Recreation and Development)
- HB 94**, relative to enforcement of the child passenger restraint law. (Pilliod, Belk 3; Cloutier, Sull 8; Langone, Rock 13; L'Heureux, Hills 18; Pignatelli, Dist 13, Squires, Dist 12: Transportation)
- HB 95-L**, relative to the establishment of educational programs for academically gifted pupils. (Baroody, Hills 42: Education)
- HB 96**, establishing an age limit for appointment of retired justices to serve as temporary supreme court justices. (Mirski, Graf 12: Judiciary)
- HB 97**, establishing a right to farm act. (McRae, Hills 7: Environment and Agriculture)

**HB 98-FN**, relative to a master plan for Monadnock state park and its environs, Pisgah state park, and Pillsbury state reservation. (Royce, Ches 9; E. Smith, Ches 6; I. Pratt, Ches 5; Phinizy, Sull 7; Garrish, Hills 37; Disnard, Dist 8: Resources, Recreation and Development)

**HB 99**, relative to granting to the county convention the authority to fill vacancies in elected county offices and to remove county officers for official misconduct. (Mirski, Graf 12: Municipal and County Government)

**HB 201**, relative to minimum uninsured motorist liability insurance. (Arnold, Hills 20: Commerce)

**HB 202**, legalizing the possession and cultivation of marijuana for medicinal purposes. (Robertson, Ches 18; Clemons, Hills 31; Lynott, Ches 11; Lynch, Ches 19: Criminal Justice and Public Safety)

**HB 203**, making impaired boating laws consistent with driving while intoxicated laws. (Welch, Rock 18; Christie, Rock 22; Musler, Straf 6: Criminal Justice and Public Safety)

**HB 204-FN**, relative to driving after license revocation or suspension. (Letourneau, Rock 13; Packard, Rock 29; Gleason, Rock 13; Christie, Rock 22; L'Heureux, Hills 18; H. Harmon, Graf 8; Roberge, Dist 9; Johnson, Dist 3; Russman, Dist 19; Brown, Dist 17: Criminal Justice and Public Safety)

**HB 205**, relative to the requirement for posting of bond by an applicant for a writ of replevin. (Rowe, Hills 14: Commerce)

**HB 206**, relative to restrooms in restaurants. (Dickinson, Carr 2; Sapareto, Rock 13: Health, Human Services and Elderly Affairs)

**HB 207-FN-A**, directing the office of state planning to conduct a study of the effects of sprawl in the state and making an appropriation therefor. (Brundige, Hills 18; Melcher, Hills 11; Rowe, Hills 14; M. Fuller Clark, Rock 36; Russman, Dist 19; Pignatelli, Dist 13; Johnson, Dist 3: Municipal and County Government)

**HB 208-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to deter sprawl. (Melcher, Hills 11; Rowe, Hills 14; Brundige, Hills 18; M. Fuller Clark, Rock 36; Russman, Dist 19; Johnson, Dist 3: Municipal and County Government)

**HB 209**, relative to authorizing the consideration of traditional village patterns in local zoning ordinances. (Melcher, Hills 11; Brundige, Hills 18; M. Fuller Clark, Rock 36; Russman, Dist 19; Johnson, Dist 3: Municipal and County Government)

**HB 210**, reinstating the corporate charter of C. A. B. Real Estate, Inc. (Keans, Straf 16: Commerce)

**HB 211-FN-A-L**, relative to intergenerational homeshare programs and making an appropriation therefor. (Seldin, Merr 17; Jacobson, Merr 2; French, Merr 3; K. Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

**HB 212**, relative to local ordinances or regulations affecting groundwater withdrawals. (Weyler, Rock 18; Welch, Rock 18; J. Flanders Rock 18; Rubin, Rock 25: Resources, Recreation and Development)

**HB 213**, relative to voting by prisoners. (Gile, Merr 16; Seldin Merr 17; Rosen, Belk 7; Mears Coos 7; Emerton, Hills 7; Larsen, Dist 15: Election Law)

**HB 214**, changing the membership of and extending the reporting date for the committee to study women's health care. (M. Fuller Clark, Rock 36; Norelli, Rock 31; Francoeur, Rock 22; Case, Rock 2; K. Wheeler, Dist 21; Squires, Dist 12: Commerce)

**HB 215**, prohibiting name changes for certain felons. (R. McKinley, Straf 2; Spear, Straf 3; Letourneau, Rock 13; Thulander, Hills 6; N. Johnson, Straf 5; Johnson, Dist 3: Criminal Justice and Public Safety)

**HB 216**, relative to release conditions pending trial for defendants in domestic violence, stalking or protective order violation cases. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 217-L**, relative to conditions on net income for an elderly exemption from property taxes. (J. Pratt, Ches 2: Municipal and County Government)

**HB 218-L**, reinstating the corporate charter of Approved Industries, Inc. (Holbrook, Belk 7: Commerce)

**HB 219**, banning certain uses of artificial light to take wildlife. (Merrill, Coos 1; P. Davis, Coos 1; F. King, Dist 1: Wildlife and Marine Resources)

**HB 220-FN-L**, repealing the excavation tax and excavation activity tax. (Merrill, Coos 1; P. Davis, Coos 1; McGuirk, Ches 1; F. King, Dist 1: Finance)

**HB 221**, allowing milk products known to contain the genetically produced bovine somatotropin growth hormone to be so labeled. (Keans, Straf 16; Owen, Merr 6; Richardson, Ches 12; Pilliod, Belk 3; Commerce)

**HB 222-L**, preempting local regulation of biosolids or sludge disposal by landfilling or landspreading. (Melcher, Hills 11; McRae, Hills 7; F. King, Dist 1: Environment and Agriculture)

**HB 223**, relative to waiver of filing fees and petitions for candidates for federal offices. (Clemons, Hills 31; Franks, Hills 26: Election Law)

**HB 224-FN-A**, changing the name of the division of fire safety to the division of fire and building safety; adding members to the state advisory board of fire control; establishing a joint committee on code enforcement; and appropriating funds for hiring mechanical inspectors in the division of fire and building safety. (Dyer, Hills 8; LaMott, Graf 5; Konys, Hills 33; Larsen, Dist 15: Criminal Justice and Public Safety)

**HB 225**, relative to the definitions of the terms "farm," "agriculture," and "farming." (K. Marshall, Merr 4; McRae, Hills 7; Melcher, Hills 11; P. Davis, Coos 1: Environment and Agriculture)

**HB 226-L**, establishing municipality bond payment schedules and percentages. (Fraser, Merr 21; Hoadley, Merr 24; Russell, Ches 15; Larsen, Dist 15: Municipal and County Government)

**HB 227**, establishing a committee to study the maintenance of voter checklists. (Arndt, Rock 27; Buckley, Hills 44: Election Law)

**HB 228**, clarifying permissible political expenditures. (Arndt, Rock 27; Buckley, Hills 44: Election Law)

**HB 229**, changing the registration fee requirement of the commercial feed law. (Melcher, Hills 11: Environment and Agriculture)

**HB 230**, clarifying the waste reduction goals for the state of New Hampshire. (B. Hall, Hills 20 Alger, Graf 9; Philbrick, Carr 4; Messier, Hills 46; Brennan, Straf 16; Callaghan, Straf 15: Environment and Agriculture)

**HB 231**, relative to approval of applications in the charter schools pilot program. (Belvin, Hills 14; Alger, Graf 9; Melcher, Hills 11; Durham, Hills 22: Education)

**HB 232**, permitting town trustees to invest capital reserve funds in mutual funds. (Alukonis, Hills 23; D. White, Hills 25; Clegg, Hills 23: Municipal and County Government)

**HB 233**, establishing a committee to study the price of prescription drugs. (Asplund, Merr 13; Pilliod, Belk 3; Whittemore, Merr 13: Health, Human Services and Elderly Affairs)

**HCR 1**, encouraging an increased distribution of federal money out of the military budget to the states sufficient to meet domestic needs. (Richardson, Ches 12; French, Merr 3; Jacobson, Merr 2; Pilliod, Belk 3; Keans, Straf 16; K. Wheeler, Dist 21: State-Federal Relations and Veterans Affairs)

**CACR 1**, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (Pepino, Hills 40; Hunter, Hills 7; Lyman, Carr 5; Roberge, Dist 9: Judiciary)

**CACR 2**, relating to supreme court rules. Providing that supreme court rules shall be subject to review and approval by a special legislative committee. (Pepino, Hills 40; Lyman, Carr 5; Hunter, Hills 7; W. McCarthy, Hills 41; Roberge, Dist 9: Judiciary)

**CACR 3**, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. (Mirski, Graf 12: Election Law)

**CACR 4**, relating to the election of the attorney general by the people. Providing that the attorney general shall be elected by the people every 2 years in the state general election. (Hunter, Hills 7; Pepino, Hills 40: Election Law)

**CACR 5**, relating to voting and elective rights of incarcerated felons. Providing that no felon, from the time of conviction until final discharge of sentence, shall vote in an election, become a candidate, or hold public office. (Stritch, Rock 5: Election Law)

**CACR 6**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute. (G. Brown, Straf 17; Rice, Belk 7; Peter Cote, Hills 32; Weyler, Rock 18; Soltani, Merr 10; Roberge, Dist 9; McCarley, Dist 6: Municipal and County Government)

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 7, 1999 at 11:00 a.m. Adopted.

**LATE SESSION****UNANIMOUS CONSENT**

Reps. Mirski and Rice addressed the House.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of receiving Senate messages and Enrolled Bill Reports only.

Adopted.

The House recessed at 2:35 p.m.

**RECESS**

**(Speaker Sytek in the Chair)**

**SENATE MESSAGE****CONCURRENCE**

**HB 100-FN-L**, adopting certain interim provisions as a result of the Claremont decisions to enable municipalities to continue to fund education.

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 100.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. LaMott moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 3

Thursday, January 7, 1999

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Daniel B. Randall from the Congregational Church in Lee, New Hampshire.

God of our lives, we bring to You this day of celebration, and we welcome its smooth clean page upon which to write. We pray for insight, sensitivity, courage and grace, and for trust that You will instill in this body imagination and cooperation so they might work together for the good of the people. In this time of beginnings, give all our elected officials the gifts they need so they may become the gift others need. Amen.

Reps. Chandler and Burling led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Patricia Cote, Flanagan, Hansen, Rubin and Zerba, the day, illness.

Reps. Arndt, Arthur, Bergin, Bickford, Bradley, Brundige, Case, Christie, Vivian Clark, Cobb, Cossette, Czech, Dearborn, DiFruscia, Dokmo, Dolan, Donovan, Doucette, Dowling, Dudley, Dunham, Eaton, Feuerstein, Flint, Flora, Gibbons, Golden, Grant, Haley, Betty Hall, David Hall, Hoadley, Howard, Karen Hutchinson, Gary Johnson, Jones, Naida Kaen, Kelley, Kibbey, David Lawton, Robert Lawton, Lovejoy, Lyman, Kenneth MacDonald, MacGillivray, Manning, Gene Marshall, McColgan, McKinney, MacNeil, Meader, Benjamin Moore, Charles Morse, Moriarty, Perkins, Irene Pratt, Priestley, Neil Reardon, Reeves, Rice, Roberts, Rose, Sargent, Edwin Smith, Splaine, Spang, Stickney, Tate, Nancy Wall, Wallin, Ward, Whalley, Carol Williams, Woodward and Zolla, the day, important business.

Rep. Nancy Johnson, the day, death in the family.

Rep. L'Heureux, the day, illness in the family.

### INTRODUCTION OF GUESTS

Former Speaker Harold Burns, guest of Rep. Tholl. Daniel Blanchard, son of Rep. Blanchard. Karen Bryant, sister of Rep. Downing. Barbara Brewster, wife of Rep. Brewster. Velda Ruffner, wife of Rep. Ruffner, Katherine Taylor, daughter of Rep. Taylor. Former Democratic Leaders Chris Spirou and Mary Chambers, former NH Rep. Donna Soucy, Jay Surdukowski and Peter Golabiewski, guests of Rep. Buckley.

### RESOLUTION

Reps. Chandler and Burling offered the following:

**RESOLVED**, that the Honorable Senate be notified that the House of Representatives is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, and for the Inauguration of the Governor, the Honorable Jeanne Shaheen, and for the taking of the oath by the Executive Council. Adopted.

### SENATE MESSAGE

The Honorable Senate is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, for the Inauguration of the Governor, the Honorable Jeanne Shaheen, and for the taking of the oath by the Executive Council.

### JOINT CONVENTION

(Speaker Sytek presiding)

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Clesson J. Blaisdell.

## REPORT

Sens. Roberge and King and Reps. LaMott, Copenhaver and Flanagan offered the following report: The Joint Committee appointed to compare and count the votes for Governor and Executive Council reports that it has attended to its duties and the vote is correct.

## INTRODUCTION AND SEATING OF SPECIAL GUESTS

The Sergeant-at-Arms introduced the following who were escorted to their seats by the Governor's Military Staff:

The family and friends of Governor Shaheen. Commissioners and Department heads. Deputy Secretary of State Robert P. Ambrose. State Treasurer Georgie A. Thomas. Hon. Richard A. Hampe, Judge of the Probate Court. Hon. Edwin W. Kelley, Chief Judge of the District Court and Mrs. Kelley. Hon. Joseph P. Nadeau, Chief Justice of the Superior Court, Mrs. Nadeau and daughters Brianna and Tina Nadeau. The Associate Justices of the Supreme Court. Hon. David Brock, Chief Justice of the Supreme Court. The Reverend Clergy. The House Leadership. Former Governor Hugh Gregg. Former Governor Walter Peterson and Mrs. Peterson. Former Governor John H. Sununu and Mrs. Sununu. Former Governor Stephen E. Merrill and Mrs. Merrill. Councilor-elect Thomas P. Colantuono, Mrs. Colantuono and parents Mr. and Mrs. Robert Colantuono. Executive Councilors Raymond S. Burton; Peter J. Spaulding and mother, Esther Spaulding; Ruth L. Griffin; Bernard A. Streeter, Jr. and guest Richard Wheeler; James A. Normand and Mrs. Normand. Belle Bowers, mother of Governor Shaheen. Molly, Stacy and Stephanie Shaheen and Craig Welch, the daughters and son-in-law of Governor Shaheen. Governor Shaheen and Mr. William H. Shaheen.

## INVOCATION

The Invocation was offered by the Most Reverend John B. McCormack, Bishop of Manchester. God who made us, God who renews us, God who animates us, come be with us this day. With reverence for the plans You made for our world, with gratitude for the men and women who give of themselves in public service, we pray that You grace them with Your wisdom and understanding, Your courage and compassion.

A day of renewal and new beginnings, a time of hope for people who work and for people who need others' support, a moment of expectation for students who want to learn, a new dawn for the respect of all human life, we pray that You bless them and their work.

Bless our Governor, Jeanne Shaheen, the members of the General Court and the other elected officials who begin their endeavors by seeking Your blessing.

Invested with responsibilities to sustain and strengthen human rights and the common good, strengthen their spirits so that they may discharge their duties with personal honesty and integrity, with devoted fidelity to the principles of justice and our state's Constitution.

Together with You may they transcend in their work and diminish within our communities both the prejudices which unravel the fabric of our common humanity and the disinterest and distrust which hamper the progress of our common journey. Help them to develop legislation and administer responsibilities in ways that justice is reinforced, or even restored, unity is promoted, and respect is realized.

It is my honor and pleasure to invoke Your blessing on these elected officials. May what they begin today with Your blessing, be brought to completion by Your help. Amen.

## POSTING OF COLORS

The New Hampshire National Guard posted the Colonial and Traditional Colors.

## PLEDGE OF ALLEGIANCE

The Kindergarten Classes from the Garrison School in Dover led the Pledge of Allegiance.

## NATIONAL ANTHEM

The National Anthem was sung by Rawn Spearman from Nashua.



## PRAYER

A prayer for peace and thanksgiving was offered by Rabbi Arthur Starr from Temple Adath Yeshurun in Manchester.

Were the sun to rise but one day each year, we would note the occasion with ceremony and rejoicing but, since it rises every day, we take it for granted. So, too, do we often walk unseeing and unappreciative in the midst of countless blessings. We must learn to be mindful of the blessings that daily appear before us; the earth's bounty which sustains and nourishes our lives, our political systems which safeguard our freedoms, the beauties of nature which uplift our hearts, the lives and energies of those who dedicate themselves to serving our state and our nation. Numberless gifts and blessings have been laid in our cradles as our birthright. We ask for continued strength and blessing for Governor Shaheen, the members of the Executive, Legislative and Judicial branches of our state and national governments. May they each be blessed with wisdom and understanding, compassion and discernment, the love and affection of their families who have loaned them to us. May we never take them for granted, but, instead, labor with them as they labor for us. Filled with gratitude as we acknowledge our blessings, may we be moved to share them with those less fortunate than we, sharing the fruits of our common labors that our state and our nation may continue to be the blessing it has been now, for all its citizens. Amen.

## OATHS OF OFFICE

The Chief Justice of the New Hampshire Superior Court, Justice Joseph P. Nadeau, administered the oath of office to Governor Jeanne Shaheen. Governor Shaheen administered the oath of office to the Honorable Executive Councilors-elect Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Thomas P. Colantuono and Bernard A. Streeter, Jr.

## PRAYER

A Prayer for a successful administration was offered by Reverend Carla Bailey from the Church of Christ at Dartmouth College in Hanover.

Holy God, Creator of all and sustainer of the hearts of your children throughout history. From generation after generation You have called forth leaders for Your people. You have given to some compassionate hearts and facile minds, stamina, strength and integrity, passion for justice and commitment to public service. Upon these of Your children You have bestowed the deepest sense of responsibility for the needs of Your people and You have called them forth to lead. Today, we pray for one of these gifted spirits, Your daughter and servant our Governor, Jeanne Shaheen. We pray that You will bless her and her administration with joy and honor; that You will fill these days of her term as our Governor with courageous actions on behalf of the people of New Hampshire. We ask that You help her relentlessly pursue new solutions to old problems; that You might bring forth from her her most creative ideas, her very best work, the integrity of her cherished values. Please give her moments of clarity and understanding, an ability to see beyond her time to generations yet unborn who will reap the effects of the decisions she makes today. Keep her mindful of the truth that justice is never easy but always right; that what is right is only occasionally popular; that what is popular is seldom faithful; that to do what is faithful will demand everything of her. So, beloved God, sustain her when her job requires more than she thinks she has available to give. When she seeks to reconcile profound differences, when she is maligned, when her motives are questioned, when her spirit is low and despair threatens to cloud her vision, in those dark hours restore her sense of humor and balance. Remind her of those who love her deeply. Surround her with the warmth of Your kindness, the healing touch of Your mercy. O God, protect her life. You who watches over Your children in agony at our violent ways, protect the life of this, Your precious daughter, for we need her. Her people have chosen her to lead us, have entrusted to her care our civic well being, have bestowed upon her the power of this office with all its privilege, history and honor. Today, as she begins another term as our Governor, our hopes for her administration are deep. Hear our prayers, God of grace and glory, for the success of this administration with all its accompanying hopes and in anticipation of the challenging glorious days ahead. Hear our prayers for our Governor, Jeanne Shaheen, that she will be sustained by the trust of her people and the presence of Your spirit. Hear our prayers for the people she has been called to serve. O God of mercy and power, hear our prayers. Amen.

## MUSICAL INTERLUDE

A musical interlude was sung by The Elm Street Beat, a chorus from the Elm Street Junior High School in Nashua.

## POEM

Leslie Lee Francis read *The Tuft of Flowers*, a poem by her grandfather Robert Frost.

## INAUGURAL ADDRESS

The Governor delivered her Inaugural Address:

Madam Speaker, Mr. President, Justice Nadeau, honorable members of the House and Senate and Executive Council, my fellow citizens.

I am thankful for the trust the people of New Hampshire have once again placed in me. And I am equally mindful that the oath I have just taken carries with it an obligation to cherish that sacred trust and to work every day to be worthy of it.

I'd like to commend you, Madam Speaker, for your many years of service to the people of New Hampshire. I want to congratulate you, Senator Blaisdell, on your new role as President of the Senate. After 28 years, I knew he would make it and it is well deserved. Of course, I want to thank my family who are with me today: my mother who is here from West Virginia and my three daughters. Molly, who is wide awake this year, just turned 13 so she is a teenager now; Stacy, my middle daughter, Stephanie and her new husband Craig; and, of course, I want to thank my husband, Billy. I thank you all for your love and support.

We gather today in this the nation's oldest state capitol that still serves as a legislative chamber, to mark New Hampshire's last inauguration of the 20<sup>th</sup> Century. It is an appropriate moment to look back and reflect on our history and traditions and to look ahead to build on those traditions as New Hampshire moves into the next century.

Throughout our history, we have been careful to preserve the traditions that make New Hampshire special, and we have been willing to change the things that need to be changed. That is the New Hampshire way.

In 1775, we were the first state to declare our independence from England, and four years later the first to hold a constitutional convention. In 1783, New Hampshire became the first state to require that its Constitution be put to a direct vote of the people.

We became the first state to allow voters a direct voice in choosing their presidential candidates in 1952. It was a bold step at the time to contend that those who wish to lead our great nation should come to a small state, meet its citizens, and answer their questions. But now, the New Hampshire presidential primary is itself a national tradition. It is a tradition that I intend to vigorously defend. Our history is full of people who individually embodied the New Hampshire way. John Dickson from Keene, who delivered the first speech against slavery in the United States Congress. The eloquent defender of the Union, Daniel Webster, whose portrait looks down on us today. Horace Greeley, who pointed the nation in a new direction, west. There was Amos Tuck, who decided that the extraordinary times before the Civil War required new political thinking and laid the foundations of the Republican Party. In our own time, there was Alan Shepard, the first American in space, who expanded our horizons into the universe and Christa McAuliffe, who dared to be the first schoolteacher in space, inspiring us with her courage and sacrifice. As we begin the last legislative session of the 20<sup>th</sup> century, let us remember all of them and the lessons they can still teach us as we are called upon to meet new challenges of the coming century.

Today, we live in a global economy where our businesses must compete in a world marketplace and where far-away companies deliver goods and services to us in New Hampshire. Increasingly, our economy is informational, not industrial. Good jobs depend on a highly trained and educated workforce. Today, we live in a society where most parents work, and few people live in the same community where they were raised and went to school. We must meet the challenges of these changing times and determine what kind of state we want New Hampshire to be. It is up to us to create the kind of future we want.

We want a state where people have good jobs, where families are safe and healthy, and our children can inherit the natural and cultural resources that make the quality of our lives so special. And yes, we want a state where all of our children get an excellent education, regardless of where they live. There is much we can and must do.

We must keep our economy strong so that our people can continue to have good jobs. My administration has undertaken a comprehensive economic development plan for New Hampshire. We have brought together the talents of the business community, state government, and the Whittemore School of Business and Economics at UNH. Their recommendations will guide us as we work to meet the challenges of a changing economy.

Competition in the electric industry is essential for every consumer in this changing economy. Last year, one utility moved forward with us, opening its territory to competition. Its customers now benefit from a rate cut of more than 17 percent. Public Service Company of New Hampshire still resists, clinging to a past when utilities could pass on all their costs to ratepayers. As we move toward competition, we will not repeat the mistakes of ten years ago. We will not enter into an agreement with PSNH that gives all the burdens to ratepayers and all the benefits to shareholders. The world has changed, and new technologies are becoming available. If PSNH refuses to adapt, it will be left behind.

We must ensure that parents can go to their jobs knowing their children are in good hands, and businesses must be able to depend on workers with young children. The Business Commission on Child Care, which I established last spring, will soon be making its recommendations on how business and child care providers can work together to ensure that every New Hampshire family has affordable, quality child care.

Parents should be able to go to sleep at night knowing their children can get health care when they need it. Beginning this week, families can sign up for our innovative Children's Health Insurance Program. Now, we must reach out to the families of the 20,000 New Hampshire children who do not have health insurance, and work to make sure each of those children is covered.

We must guarantee that patient care comes before corporate profits and pass the HMO Accountability Act. We must make companies accountable here in New Hampshire for the decisions they make thousands of miles away about our medical care.

We must also remember that we live in the most beautiful state in the nation. From the changing leaves of autumn to the snowy mountains of winter, our state's rich natural resources are central to who we are in New Hampshire. The state should lead the way in protecting and preserving that natural heritage.

We must not end this century without making Martin Luther King Day part of the heritage we leave to our children.

Most of all, our top priority must be educating our children. Quite simply, the excellence of the education we provide our children will determine New Hampshire's future, the strength of our economy, the quality of our lives and the vibrancy of our democracy. Nothing else is as important. Nothing else that we do now will have a greater impact on the future of this state. This is not theory. This is real; as real as the face of a child. Every parent knows that face, the face of his child, full of hope and a little uneasiness as he or she leaves for the first day of school, taking a step toward what every parent hopes will be a better life for the next generation. Every teacher knows that face, the face of a student, full of eager questions and sometimes full of doubts, whose success or failure rests, at least partly, on the time and resources that teacher can provide. We here in this hall know that face, as mothers and fathers, aunts and uncles, brother and sisters. We saw some of them at the start of this ceremony. Children from the Garrison School kindergarten in Dover, one of the 15 New Hampshire school districts that has implemented kindergarten because of the actions we took in 1997. They represent the nearly 1,000 additional children who now have a better start in school, and a better future ahead of them. They are important reminders that what we do here has real consequences for real people. Today, they led us in the Pledge of Allegiance. In the next century, they will be leading New Hampshire.

Our task is to make the next century as bright and prosperous as possible by providing our children with an excellent education. That means making every New Hampshire school the best possible. As we work to meet this challenge, we must remember that providing an excellent education takes more than money. We must raise educational standards and expect more from teachers, students and parents.

Building on the recommendations of my Education Summit, the Best Schools Initiative will help people at the local level meet the needs of their particular schools. The cornerstone of this initiative will be the establishment later this year of a new leadership academy for teachers, administrators and school board members. While we work to improve professional development for teachers, we

must also hold them to a high standard of performance. Last year, I established a task force to look at the issue of teacher tenure. Its recommendations form the basis for legislation that will make it easier to remove teachers who don't perform. We should pass that legislation this year.

We have also been called upon in this, the last legislative session of the 20<sup>th</sup> century, to meet the challenge of the Claremont school funding case. One year ago, the state Supreme Court ruled that the method of funding schools that we have relied on for decades is unconstitutional and must be changed. Our challenge is to change the way we fund public education, without losing what is special about our schools and our state. Our tradition of local decision-making has served us well, and we must preserve that local control. Businesses do choose to locate here because taxes are low and government is small, and we must keep it that way. Our solution must serve our school children, our taxpayers and our economy.

We can all agree on certain principles. Every New Hampshire child should have the opportunity for an excellent education, regardless of where they live, and no community should have to struggle to educate its children because of burdensome property taxes. At a time when few people live and work in the same community where they went to school, it is in the interest of every person and every business to ensure that every community in New Hampshire has the resources necessary to provide an excellent education for our children.

For the last several months, I have been meeting with the legislative leadership of both parties, and with many of you individually, to explore a variety of options. We have already taken steps to help communities deal with the short-term uncertainties caused by the Claremont decision. Yesterday, the House and Senate came together across party lines and passed legislation ensuring that local school districts can move forward with their budgeting and planning for the next school year. Finding a long-term solution will not be easy. We have an enormous task before us, and precious little time to complete it. But I am confident we can succeed.

At an historic crossroads like this, a successful solution cannot be one imposed either on the legislature or on the people of this state. It will require finding consensus, not only among lawmakers but also among the people. We must lead, but we must also listen. History teaches us that the New Hampshire way is to trust the people. Each time we have moved forward, from the initial design of our constitution to the creation of our first-in-the-nation presidential primary, we have listened to the people and given them a voice in their future.

Here in the state where citizens gather every spring for one of our most cherished traditions, town meeting, we have always believed that the voice of the people should be heard. For any solution to succeed and endure, it must be supported by the people of New Hampshire. That is why I believe that we should take the unprecedented step of giving the people a direct vote on this issue. I believe they want us to solve the school funding issue within our existing tax structure, and I believe we can. The people want us to put partisan politics aside, to use our common sense and apply our collective creativity to find a solution. We can do it. We must do it. To do it right, we must do it together.

We do not always immediately agree. Sometimes, we test each other's patience. Often, each of us is called upon to compromise a little bit. But in the end, what progress we make is always made together. Working together is a New Hampshire story with a long tradition. It is the story of almost every town meeting. It is the lesson of the wonderful poem that we just heard by Robert Frost. It is the story of the finest moments in the history of this citizen legislature. This is one of those moments. Working together, that is what the people who elected us expect; that is what New Hampshire's children deserve.

Later this year, more than 100 New Hampshire performers and craftsmen will be showcasing our state's heritage on the National Mall in Washington as part of the Smithsonian Folklife Festival. From contra dancing to constructing stone walls, from the spirit of entrepreneurship to the traditions of our presidential primary, they will gather under the theme, "Celebrating New Hampshire's Stories."

In the next few months, as we struggle with the historic task before us, let us find inspiration from these New Hampshire stories. It's easy to find if we listen closely enough. It can be heard in the story of an old-time barn raising and in the story of any successful high-tech business. It's in the story of the local committee that works to improve the library or to preserve an endangered woodland or to form a volunteer fire department. When we work together, we can accomplish anything. That is the New Hampshire story.

It is now our turn to write our own chapter in that story. Let us make it a story that is remembered far into the next century. Let us make it a story worth celebrating. Let us write it together. Thank you.

**BENEDICTION**

Father Dean Panagos of the Annunciation Greek Orthodox Church in Dover offered the Benediction. Let us pray for our state leaders, for our Governor Jeanne Shaheen, the members of the Executive Council and our state legislators. Provide to those we have entrusted the authority of government the wisdom to govern in justice and peace, and that through the obedience to Your commandments, we may show forth Your glory among the people of our state. Guide our elected officials to make just and proper legislation protecting our infants, guiding our young and supporting our aged and remembering the poor and less fortunate. Bless this land with honorable industry, sound learning, pure manners in the pursuit of truth. Save and protect us from violence, discord and confusion, from pride and arrogance and from every evil way. Protect the cities, towns and countryside's of this great state bringing upon all peace and tranquillity. Speak of goodness in the hearts of our leaders, support and strengthen them, so that they may lead our life in piety, dignity, love, goodness, peace and justice. For You are the King of Peace and the Savior of our souls, and to You we give glory. Amen. Rep. Chandler and Sen. Larsen moved that the Joint Convention arise. Adopted.

**RECESS**

**(Speaker Sytek in the Chair)**

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 234, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 234-FN-A**, relative to state matching funds for Federal Emergency Management Agency disaster assistance grants, and making appropriations therefor. (Kurk, Hills 5; Hollingworth, Dist 23: Finance)

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 28, 1999 at 10:00 a.m. Adopted.

**LATE SESSION****RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills only. Adopted.  
The House recessed at 1:05 p.m.

**RECESS**

**(Rep. Henderson in the Chair)**

**RESOLUTION**

Rep. Lozeau offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 235 through 237, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 235-FN-A**, increasing the exemption amount under the interest and dividends tax. (Arnold, Hills 20; Jacobson, Merr 2; Francoeur, Rock 22: Finance)

**HB 236-FN-L**, relative to felonious disarming of a law enforcement officer. (Pepino, Hills 40; Tholl, Coos 5; K. MacDonald, Carr 7; Buckley, Hills 44: Criminal Justice and Public Safety)

**HB 237-FN**, relative to the percentage of gross sales from each state aggregated in the tri-state lotto compact pool. (Alukonis, Hills 23; Klemm, Dist 22: Finance)

**RECESS****(Rep. Welch in the Chair)****RESOLUTION**

Rep. Sytek offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 101 through 104, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 101**, establishing an educational commission to ensure the right of each child to an equal and adequate education. (DiFruscia, Rock 27; Griffin, Rock 27; Pepino, Hills 40; Belanger, Rock 26: Education)

**HB 102-FN**, establishing a dedicated education trust fund. (Young, Sull 6: Finance)

**HB 103-L**, repealing the annual school tax rate to be assessed for the support of the public schools. (Mirski, Graf 12; Alger, Graf 9: Finance)

**HB 104**, relative to the first property tax bill of 1999. (Wendelboe, Belk 2: Finance)

**RECESS****(Rep. French in the Chair)****RESOLUTION**

Rep. Buckley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 105, 238 through 256, House Concurrent Resolutions numbered 2 and 3, and Constitutional Amendment Concurrent Resolution numbered 7, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS, HCRs and CACR****First, second reading and referral**

**HB 105**, requiring legislative review and reauthorization of any state broad-based tax every 2 years. (Wendelboe, Belk 2: Finance)

**HB 238-FN-A**, allowing the production and sale of American ginseng in the state of New Hampshire and making an appropriation therefor. (Owen, Merr 6; Salatiello, Belk 2: Environment and Agriculture)

**HB 239-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. (Owen, Merr 6; Robb-Theroux, Sull 9, Messier, Hills 46; Leishman, Hills 13; Babson, Carr 5: Environment and Agriculture)

**HB 240**, prohibiting the reintroduction of wolf populations to the state of New Hampshire. (Guay, Coos 6; Horton, Coos 3; Chandler, Carr 1; Dickinson, Carr 2; Johnson, Dist 3; F. King, Dist 1: Wildlife and Marine Resources)

**HB 241**, relative to party nominations in multi-seat districts. (Dickinson, Carr 2; Jacobson, Merr 2; B. Hall, Hills 20; Martin, Hills 34; Johnson, Dist 3: Election Law)

**HB 242**, establishing a committee to study lost wages due to work-related injuries. (R. McKinley, Straf 2; Spear, Straf 3; Johnson, Dist 3: Labor, Industrial and Rehabilitative Services)

**HB 243**, requiring legislative fiscal committee approval of university system tuition increases. (Mock, Carr 3; L. Jean, Hills 17; Sargent, Hills 3; Patten, Carr 9; Kenney, Carr 6: Education)

**HB 244**, relative to the corporate charter of the Laconia Airport Authority. (Rice, Belk 7; Bartlett, Belk 6; Weyler, Rock 18; Milligan, Hills 18; Johnson, Dist 3; Fraser, Dist 4: Municipal and County Government)

**HB 245-FN**, relative to fees and appropriations to the division of safety services. (Patten, Carr 9; Dickinson, Carr 2; Letourneau, Rock 13; Welch, Rock 18; M. Whalley, Merr 5; Johnson, Dist 3; Pignatelli, Dist 13: Resources, Recreation and Development)

**HB 246**, relative to personnel transfers at the department of safety. (Hunter, Hills 7; Dyer, Hills 8; Welch, Rock 18: Executive Departments and Administration)

**HB 247**, relative to voting by secret ballot at town meetings. (Stritch, Rock 5: Municipal and County Government)

**HB 248**, relative to the Monadnock advisory commission. (Royce, Ches 9; Avery, Ches 8; Burnham, Ches 8: Resources, Recreation and Development)

**HB 249**, relative to the membership of the rivers management advisory committee. (Phinizy, Sull 7; Dickinson, Carr 2; McGuirk, Ches 1; Tuthill, Sull 5; Disnard, Dist 8; Cohen, Dist 24: Resources, Recreation and Development)

**HB 250**, relative to authorized regional enrollment area schools. (Philbrick, Carr 4; Johnson, Dist 3: Education)

**HB 251**, relative to official ballot procedures. (Brundige, Hills 18; Batula, Hills 18; Fesh, Rock 13; Leone, Sull 2: Municipal and County Government)

**HB 252**, establishing a procedure for separation of condominium units at the Commons at Merrimack. (McGough, Hill 18; Batula, Hills 18; Brundige, Hills 18: Commerce)

**HB 253**, requiring ballots to be examined and counted prior to the opening of polls on election day. (K. Herman, Hills 13: Election Law)

**HB 254-L**, relative to restricting the fire marshal's authority in certain municipalities. (Clegg, Hills 23: Criminal Justice and Public Safety)

**HB 255**, authorizing the appointment or election of the combined office of town clerk-tax collector. (Avery, Ches 8; Burnham, Ches 8: Municipal and County Government)

**HB 256**, repealing the preemption of local regulation of pesticides. (B. Hall, Hills 20; Martin, Hills 34: Environment and Agriculture)

**HCR 2**, recognizing outstanding student role models in the public schools. (Leonard, Hills 39; Clemons, Hills 31; P. Katsakiores, Rock 13; Griffin, Rock 27: Legislative Administration)

**HCR 3**, urging the federal government to fund 100 percent of the total cost of special education programs and services nationwide. (Franks, Hills 26; Scanlan, Graf 11; Weyler, Rock 18; Clemons, Hills 31; Klemm, Dist 22: Education)

**CACR 7**, relating to the size of the legislature and the salary for legislators. Providing that the size of the house of representatives be reduced and the article related to the compensation of the legislature be removed from the constitution. (Wallin, Merr 15; Ham, Graf 4; Robertson, Ches 18: Legislative Administration)

## RECESS

(Rep. Nordgren in the Chair)

## RESOLUTION

Rep. Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 257 through 262 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 257-FN-A**, to construct a noise barrier along a portion of I-95 and making an appropriation therefor. (Pantelakos, Rock 30; Cohen, Dist 24: Public Works and Highways)

**HB 258**, establishing Gold Star Mother's Day honoring mothers who lost sons or daughters while on duty in the armed forces. (Domingo, Straf 12: State-Federal Relations and Veterans Affairs)

**HB 259-FN**, granting a right to trial by jury in any controversy between a person or persons and a state board, commission, or agency when the amount in controversy is at least \$5,000. (L. Jean, Hills 17; Young, Sull 6; Jacobson, Merr 2; Flora, Hills 15; DePecol, Ches 14; Trombly, Dist 7; Brown, Dist 17: Judiciary)

**HB 260-FN-A**, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. (Jacobson, Merr 2: Children and Family Law)

**HB 261-L**, relative to the official ballot option. (Stone, Rock 7; Leone, Sull 2; Foster, Hills 10; Brundige, Hills 18; J. King, Dist 18; Klemm, Dist 22: Municipal and County Government)

**HB 262-L**, relative to emergency expenditures and overexpenditures by school boards. (Stone, Rock 7; Leone, Sull 2; Brundige, Hills 18; Foster, Hills 10; J. King, Dist 18; Klemm, Dist 22: Municipal and County Government)

## RECESS

(Speaker Sytek in the Chair)

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 106 and 107 and 263 through 270, and Constitutional Amendment Concurrent Resolutions numbered 8 and 9, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and CACR

### First, second reading and referral

**HB 106-L**, replacing temporarily the rate of the annual school tax with a rate to be set by the commissioner of the department of revenue administration and repealing the provision of the tobacco tax chapter that prohibits a direct state tax as long as the tobacco tax is in effect. (Sapareto, Rock 13; Lavoie, Merr 12; Sabella, Rock 13; Vaillancourt, Hills 44: Finance)

**HB 107-FN-A**, establishing a tax review and adjustment study commission and making an appropriation therefor. (Leber, Merr 1: Finance)

**HB 263**, repealing the Northern New England Low-Level Radioactive Waste Management Compact. (Rosen, Belk 7; Hollingworth, Dist 23: Science, Technology and Energy)

**HB 264**, relative to persons who die in nursing homes. (Dwyer, Hills 43; Brennan, Straf 16: Health, Human Services and Elderly Affairs)

**HB 265**, relative to the student trustees on the university system of New Hampshire board of trustees. (Hinman, Graf 7; Rollo, Straf 10; MacNeil, Graf 7; Rabideau, Rock 16; Gordon, Dist 2: Education)

**HB 266**, increasing the length of license revocation for first-time DWI offenders. (Dolan, Rock 12; Christie, Rock 22; Weare, Rock 21; Johnson, Dist 3: Criminal Justice and Public Safety)

**HB 267-FN-L**, abolishing county departments of corrections and authorizing the department of corrections to contract with the counties to utilize the former county correctional facilities as state facilities. (Rubin, Rock 25: Criminal Justice and Public Safety)

**HB 268-L**, relative to the rescission of the official ballot form of meeting. (Stone, Rock 7; Foster, Hills 10; Brundige, Hills 18; Fraser, Merr 21; J. King, Dist 18: Municipal and County Government)

**HB 269-L**, relative to the disbursement of foundation aid. (Varrell, Rock 9; Lyman, Carr 5; Guay, Coos 6; Alger, Graf 9; Brown, Dist 17: Education)

**HB 270**, relative to persons not competent to stand trial. (Lyman, Carr 5: Judiciary)

**CACR 8**, relating to legislative review of any broad-based tax enacted after January 1, 1999. Providing that any broad-based tax enacted after January 1, 1999 shall be subject to legislative review every 2 years. (Wendelboe, Belk 2: Finance)

**CACR 9**, relating to certain statewide taxes dedicated to funding public education. Providing that all revenues raised by a state income tax, statewide property tax, sales tax, or gross receipts tax shall be dedicated to funding public education. (Bradley, Carr 8: Finance)

## RECESS



(Rep. Dyer in the Chair)

**RESOLUTION**

Rep. Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 108 through 110, and Constitutional Amendment Concurrent Resolution numbered 10, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS and CACR****First, second reading and referral**

**HB 108-FN-A-L**, establishing a statewide education property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor. (Sapareto, Rock 13; Sabella, Rock 13; Wallin, Merr 15: Finance)

**HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor. (Hager, Merr 18; McGuirk, Ches 1; Feuerstein, Merr 13; Manning, Ches 9; Robb-Theroux, Sull 9; French, Merr 3; Below, Dist 5; Fernald, Dist 11; Wheeler, Dist 21: Finance)

**HB 110-FN-L**, authorizing each town and city to determine its methods of raising revenue to fulfill its obligation to fund public elementary and secondary education. (Mirski, Graf 12; Alger, Graf 9; Stickney, Rock 26; Hinman, Graf 7; Leishman, Hills 13; Brown, Dist 17: Finance)

**CACR 10**, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. (Sapareto, Rock 13; Sabella, Rock 13; Wallin, Merr 15; Vaillancourt, Hills 44; Lavoie, Merr 12; Fernald, Dist 11: Finance)

**RECESS**

(Rep. Henderson in the Chair)

**RESOLUTION**

Rep. Letourneau offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 271 through 278, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 271**, relative to recounts. (Wallin, Merr 15: Election Law)

**HB 272-FN**, relative to the use of laser pointing devices. (Tholl, Coos 5; Knowles, Straf 11; Gordon, Dist 2: Criminal Justice and Public Safety)

**HB 273-FN-L**, relative to annual grants for school building aid. (R. McKinley, Straf 2; Spear, Straf 3; Letourneau, Rock 13; Thulander, Hills 6; Johnson, Dist 3: Education)

**HB 274-FN**, relative to the office of the consumer advocate. (D. White, Hills 25; Bradley, Carr 8; Below, Dist 5; F. King, Dist 1: Science, Technology and Energy)

**HB 275-FN**, providing that the deputy adjutant general shall serve as the director of emergency management and funds for emergency management shall be appropriated to the adjutant general. (Rubin, Rock 25: Executive Departments and Administration)

**HB 276-FN-L**, requiring that a school administrative unit budget be approved by vote at the annual school district meeting. (Fenton, Hills 24; Hunter, Hills 7: Education)

**HB 277-FN**, relative to health benefits and compensation to pari-mutuel commission-appointed veterinarians. (Lent, Straf 8: Executive Departments and Administration)

**HB 278**, relative to scheduling of district court sessions. (Bergin, Hills 16; J. Wall, Straf 9; Keans, Straf 16; Dolan, Rock 12; Roberge, Dist 9; Pignatelli, Dist 13: Judiciary)

**RECESS**

(Rep. Fuller-Clark in the Chair)

**RESOLUTION**

Rep. Buckley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 111, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 111-L**, relative to the validity and enforceability of certain obligations and indebtedness of municipalities. (Chandler, Carr 1; Burling, Sull 1; Hollingworth, Dist 23; Johnson, Dist 3: Finance)

**RECESS**

(Rep. Burling in the Chair)

**RESOLUTION**

Rep. Konys offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 279 through 293, House Concurrent Resolution numbered 4, and House Joint Resolution numbered 1, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILLS, HCR and HJR****First, second reading and referral**

**HB 279-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. (J. Phinizy, Sull 7; McGuirk, Ches 1; Cloutier, Sull 8; Wiggins, Sull 4; Tuthill, Sull 5; Disnard, Dist 8; Cohen, Dist 24: Public Works and Highways)

**HB 280-FN**, establishing a point system for the annual moose permit lottery. (L'Heureux, Hills 18; W. Phinney, Graf 8; Abbott, Rock 19; Brothers, Graf 6; P. Gagnon, Hills 48; Fraser, Dist 4; Roberge, Dist 9; Brown, Dist 17; Hollingworth, Dist 23: Wildlife and Marine Resources)

**HB 281-A**, making a capital appropriation for the expansion of veterans' home facilities. (Leber, Merr 1; Kenney, Carr 6; DeChane, Straf 6; E. Gagnon, Hills 48; Wendelboe, Belk 2; Gordon, Dist 2; Johnson, Dist 3; Disnard, Dist 8; F. King, Dist 1: Public Works and Highways)

**HB 282-FN-A**, relative to bomb dogs and making an appropriation therefor. (Leone, Sull 2; Dokmo, Hills 14; Flint, Sull 4; Stone, Rock 7; Langone, Rock 13; Disnard, Dist 8; J. King, Dist 18: Criminal Justice and Public Safety)

**HB 283-A**, making a capital appropriation to the department of administrative services for the funding, siting, and design of the new Henniker-Hillsborough district courthouse. (French, Merr 3; Rodd, Merr 3; Trombly, Dist 7: Public Works and Highways)

**HB 284-L**, relative to recount procedures in school districts. (M. Downing, Rock 26; D'Allesandro, Dist 20: Election Law)

**HB 285**, providing that equalized value of property in small towns be calculated as a multi-year average. (Thulander, Hills 6: Municipal and County Government)

**HB 286**, establishing a committee to study the issue of an HIV infected person's failure to warn his or her sexual partners that he or she is infected with HIV. (C. Moore, Merr 19; Copenhaver, Graf 10; Nordgren, Graf 10; Wheeler, Dist 21: Judiciary)

**HB 287**, relative to nursing home care services. (N. Kaen, Straf 7; Emerton, Hills 7; Torr, Straf 12; Gordon, Dist 2; Hollingworth, Dist 23; Squires, Dist 12: Commerce)

**HB 288**, relative to the committee to study land management, protection of farmland, rural character, environmental quality and sprawl. (Melcher, Hills 11; M. Fuller Clark, Rock 36: Environment and Agriculture)

**HB 289**, relative to eligibility for child day care assistance. (Bradley, Carr 8; Norelli, Rock 31; Wallner, Merr 24: Finance)

**HB 290**, relative to exempting the town of Litchfield from the shoreland protection act. (Calawa, Hills 17: Resources, Recreation and Development)

**HB 291**, establishing a study committee for seed sterilization technology or “terminator” technology. (Rabideau, Rock 16; Major, Rock 16; Russman, Dist 19: Environment and Agriculture)

**HB 292**, relative to ballot procedures for constitutional amendments. (Jacobson, Merr 2: Election Law)

**HB 293**, relative to the definition of “party” for election purposes. (Brewster, Merr 1: Election Law)

**HCR 4**, urging the U.S. Secretary of Transportation to include U.S. Route 2 as a border corridor highway. (Guay, Coos 6; Fields, Hills 18; Vaillancourt, Hills 44; Horton, Coos 3; F. King, Dist 1; Johnson, Dist 3: Public Works and Highways)

**HJR 1**, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire. (Guay, Coos 6: Wildlife and Marine Resources)

## RECESS

(Rep. Lozeau in the Chair)

## RESOLUTION

Rep. MacGillivray offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 112, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILL

### First, second reading and referral

**HB 112-FN-A**, increasing the cigarette tax. (Buckley, Hills 44; Burling, Sull 1; Pilliod, Belk 3; D. Cote, Hills 29: Finance)

## RECESS

(Rep. Bradley in the Chair)

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 113, 294 and 295, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 113**, affirming sovereign immunity as it relates to the Claremont ruling. (Alger, Graf 9; Bickford, Straf 1; Johnson, Dist 3; Francoeur, Dist 14: Finance)

**HB 294-FN-L**, relative to state aid to municipalities for closure of certain municipal incinerators. (Alger, Graf 9; K. Marshall, Merr 4; Dunlap, Straf 18; Owen, Merr 6; M. Fuller Clark, Rock 36; Gordon, Dist 2; Cohen, Dist 24: Environment and Agriculture)

**HB 295-FN-L**, relative to alternative kindergarten programs in cooperative school districts. (Jacobson, Merr 2; Rodd, Merr 3: Education)

## RECESS

(Rep. Eaton in the Chair)

## RESOLUTION

Rep. Carol Moore offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 114, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 114-FN-A-L**, establishing a local property tax education homestead allowance against school taxes on residential real estate, establishing a fund to reimburse municipalities for such exemptions, and making an appropriation therefor. (Boyce, Belk 5; Howard, Carr 10; D. White, Hills 25; Wendelboe, Belk 2; Letourneau, Rock 13; Brown, Dist 17; Krueger, Dist 16: Finance)

**RECESS****(Rep. Chandler in the Chair)****RESOLUTION**

Rep. Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 115 through 117, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 115-FN-L**, relative to an interim plan authorizing an annual tax for the support of a minimally adequate education and making an appropriation therefor. (V. Clark, Rock 17: Finance)

**HB 116-FN-A-L**, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor. (Peterson, Hills 8; Bergin, Hills 16; Dokmo, Hills 14; J. Pratt, Ches 2; Scanlan, Graf 11; J. Wall, Straf 9; Leishman, Hills 13: Finance)

**HB 117-FN-A-L**, relative to local property taxation and state aid to support an adequate public education and making an appropriation therefor. (Hess, Merr 11: Finance)

**RECESS****(Rep. Burling in the Chair)****RESOLUTION**

Rep. Robb-Theroux offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 118 through 120, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 118-FN-A-L**, dedicating revenues resulting from future increases in the meals and rooms tax for purposes of funding public education. (Chabot, Hills 48; W. McCarty, Hills 38; E. Gagnon, Hills 48; Dwyer, Hills 43: Finance)

**HB 119-FN-A**, establishing a 3 percent sales tax. (Whittemore, Merr 13: Finance)

**HB 120-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. (Jacobson, Merr 2: Finance)

**RECESS****(Rep. Mock in the Chair)****RESOLUTION**

Rep. Welch offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 296 through 299 and 301 through 304, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 296-FN-L**, consolidating the number of school administrative units to one in each county. (Rubin, Rock 25: Education)

**HB 297-FN**, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. (Dawe, Hills 33; Hoadley, Merr 24; Keans, Straf 16; Franks, Hills 26; Bergin, Hills 16: Judiciary)

**HB 298-FN**, relative to the authority of the executive director of fish and game to prevent damage to commercial agricultural crops through wildlife reduction or management. (Melcher, Hills 11; Abbott, Rock 19; K. Marshall, Merr 4; W. Phinney, Graf 8: Wildlife and Marine Resources)

**HB 299**, establishing a bill of rights for pregnant women. (Rabideau, Rock 16; Dickinson, Carr 2; Major, Rock 16; V. Clark, Rock 17: Health, Human Services and Elderly Affairs)

**HB 301**, relative to burials and funerals at the New Hampshire state veterans cemetery. (Clegg, Hills 23; L. Jean, Hills 17; Kenney, Carr 6; Calawa, Hills 17; Alukonis, Hills 23; Francoeur, Dist 14: State-Federal Relations and Veterans Affairs)

**HB 302**, relative to paint ball guns. (Beaulieu, Rock 11; Hamel, Rock 10: Criminal Justice and Public Safety)

**HB 303-FN-A**, relative to the preservation of and access to legislative records and making an appropriation therefor. (Major, Rock 16; Horton, Coos 3; J. Wall, Straf 9; Martin, Hills 34; Whittemore, Merr 13; Francoeur, Dist 14; McCarley, Dist 6: Legislative Administration)

**HB 304**, relative to the confidentiality of criminal history records checks. (Spear, Straf 3; McCarley, Dist 6: Education)

**RECESS****(Rep. Henderson in the Chair)****RESOLUTION**

Rep. Lozeau offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 121 through 125, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 121-FN-A-L**, relating to the funding of education through the establishment of video lotteries at racetracks and making an appropriation therefor. (Pantelakos, Rock 30; Raynowska, Rock 26: Finance)

**HB 122-FN-A-L**, establishing a 3 percent personal income tax on income earned in New Hampshire to fund public education and making an appropriation therefor. (Bergeron, Hills 32: Finance)

**HB 123-FN-A-L**, establishing a statewide flat property tax as a source of funding for public education and making an appropriation therefor. (Vachon, Straf 4: Finance)

**HB 124-FN-A-L**, establishing a one percent personal income tax to fund public education and making an appropriation therefor. (W. McCarthy, Hills 41; Robertson, Ches 18: Finance)

**HB 125-FN-L**, implementing the findings and recommendations of the adequate education costs and municipal grant distribution commission for fiscal years 2000 and 2001. (Kurk, Hills 5; Henderson, Rock 20; Johnson, Dist 3; Squires, Dist 12: Finance)

**RECESS****(Speaker Sytek in the Chair)****COMMITTEE ASSIGNMENTS**

Rep. Kurk off Rules.

Rep. Keith Herman on Rules.

**RECESS**

**(Rep. Christie in the Chair)****RESOLUTION**

Rep. Calawa offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 305 through 309, and House Concurrent Resolution numbered 5, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILLS and HCR****First, second reading and referral**

**HB 305-A**, making a capital appropriation to the department of administrative services for the construction of the new Jaffrey-Peterborough district courthouse. (Royce, Ches 9; Manning, Ches 9; Peterson, Hills 8; Avery, Ches 8; Lynch, Ches 19; Fernald, Dist 11; Blaisdell, Dist 10: Public Works and Highways)

**HB 306**, relative to discoverability of environmental audit reports. (Melcher, Hills 11: Judiciary)

**HB 307**, establishing a committee to study the shared risk when patients decide to remain in a facility over the recommendations of the department of health and human services. (Alger, Graf 9; Sargent, Hills 3; O'Keefe, Rock 21; Chabot, Hills 48; Case, Rock 2; Trombly, Dist 7; Gordon, Dist 2: Health, Human Services and Elderly Affairs)

**HB 308**, relative to the venue of actions against municipalities. (Keans, Straf 16; Poulin, Merr 14; Simon, Hills 40; F. King, Dist 1: Judiciary)

**HB 309**, relative to motor vehicle insurance. (Christiansen, Hills 23; Johnson, Dist 3: Commerce)

**HCR 5**, encouraging WMUR-TV to extend radio station coverage to areas of New Hampshire north of Franconia Notch. (L. Pratt, Coos 4; Copenhaver, Graf 10: Science, Technology and Energy)

**RECESS****(Rep. Henderson in the Chair)****RESOLUTION**

Its late drafting having been approved by the Rules Committee:

Rep. Buckley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 344, shall be by this resolution read a first and second time by the therein listed title.  
Adopted.

**INTRODUCTION OF HOUSE BILL****First and second reading**

**HB 344-L**, relative to voting in official ballot school districts. (Weber, Graf 11; Alger, Graf 9; Mirski, Graf 12; Scanlan, Graf 11; Below, Dist 5)

**RESOLUTION**

Rep. Buckley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 310 through 330, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 310**, repealing the authority of the department of agriculture, markets, and food to conduct meat inspections and poultry products inspections. (Melcher, Hills 11: Environment and Agriculture)

**HB 311-FN-A**, relative to grants made under the New Hampshire incentive program and making an appropriation therefor. (Hinman, Graf 7; McGough, Hills 18; Buckley, Hills 44; Alger, Graf 9; Gordon, Dist 2; Below, Dist 5; Krueger, Dist 16; Brown, Dist 17: Education)

**HB 312**, restricting the carrying of firearms in courthouses. (Welch, Rock 18: Criminal Justice and Public Safety)

**HB 313-FN**, relative to the regulation of the practice of optometry. (Leber, Merr 1; Emerton, Hills 7; Major, Rock 16; Copenhaver, Graf 10; Executive Departments and Administration)

**HB 314**, relative to universal service. (Bradley, Carr 8; Science, Technology and Energy)

**HB 315**, permitting the distribution of certain campaign materials at polling places. (Almy, Graf 14: Election Law)

**HB 316**, relative to political party expenditures. (Almy, Graf 14: Election Law)

**HB 317**, relative to the display of tobacco products. (Almy, Graf 14: Commerce)

**HB 318**, relative to recovery of costs in rate proceedings and relative to the appointment of public utilities commissioners. (Bradley, Carr 8; N. Kaen, Straf 7; Pitts, Rock 35; MacGillivray, Hills 21; Thomas, Belk 3; Below, Dist 5; F. King, Dist 1: Science, Technology and Energy)

**HB 319-FN**, relative to mandatory automobile insurance. (Richardson, Ches 12; Bouchard, Merr 22: Commerce)

**HB 320-FN**, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour. (Vaillancourt, Hills 44; Robertson, Ches 18; McGuirk, Ches 1; L. Jean, Hills 17; Mirski, Graf 12: Transportation)

**HB 321**, requiring health carriers to pay for all recommended prescription drugs. (Taylor, Straf 11; Bruno, Hills 4; J. Wall, Straf 9; M. Fuller Clark, Rock 36; Wheeler, Dist 21: Commerce)

**HB 322**, relative to funds exchanged at real estate closings. (Copenhaver, Graf 10; Batula, Hills 18: Commerce)

**HB 323**, relative to restricting the decibel level of motor vehicle sound systems. (LaPorte, Hills 39; Buckley, Hills 44; P. Gagnon, Hills 48: Criminal Justice and Public Safety)

**HB 324**, repealing certain grounds for granting a divorce for cause. (Bickford, Straf 1: Children and Family Law)

**HB 325**, prohibiting "cramming" in telecommunications billing. (Norelli, Rock 31; Pantelakos, Rock 30; Bradley, Carr 8; Thomas, Belk 3; Below, Dist 5; Cohen, Dist 24; Larsen, Dist 15; F. King, Dist 1; J. King, Dist 18: Science, Technology and Energy)

**HB 326-FN**, requiring the department of health and human services to survey home health care agencies for compliance with federal regulations for medicare. (Buckley, Hills 44: Health, Human Services and Elderly Affairs)

**HB 327-L**, allowing municipal treasurers to enter into lease agreements for equipment. (Packard, Rock 29: Municipal and County Government)

**HB 328-L**, allowing municipalities to enter into agreements to purchase goods and services with credit cards. (Packard, Rock 29: Municipal and County Government)

**HB 329**, relative to privatization of nursing homes. (Rubin, Rock 25: Health, Human Services and Elderly Affairs)

**HB 330**, relative to changing the name of the lienholder or mortgage holder on title insurance when refinancing a home. (Bradley, Carr 8; Johnson, Dist 3: Commerce)

## RECESS

(Rep. Whalley in the Chair)

## RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 331 through 343, and House Concurrent Resolution numbered 6, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HCR

### First, second reading and referral

**HB 331**, relative to auto leasing. (Jacobson, Merr 2: Commerce)

**HB 332**, establishing a committee to study the relationship between Plymouth state college and the town of Plymouth. (Hinman, Graf 7; MacNeil, Graf 7; Alger, Graf 9; Wendelboe, Belk 2: Municipal and County Government)

**HB 333**, relative to contracts between participating providers and managed care entities. (Asplund, Merr 13; Pilliod, Belk 3; Whittemore, Merr 13: Commerce)

**HB 334**, restricting the land application of sludge, septage, and solid wastes. (B. Hall, Hills 20; Owen, Merr 6: Environment and Agriculture)

**HB 335**, prohibiting the land application of sludge in reclamation areas. (B. Hall, Hills 20; Owen, Merr 6: Environment and Agriculture)

**HB 336**, establishing the first Monday in February as a holiday to be known as Abraham Lincoln Civil Rights Day. (Rosen, Belk 7: Executive Departments and Administration)

**HB 337**, requiring that the order of candidate names on the ballot be determined by a random drawing. (Potter, Merr 24; Vaillancourt, Hills 44: Election Law)

**HB 338**, relative to absentee voting procedures. (Wallin, Merr 15; D. White, Hills 25: Election Law)

**HB 339**, requiring consumer reporting agencies to provide annually to the consumer a free copy, upon request, of a consumer report. (Dokmo, Hills 14; Bergin, Hills 16; Leishman, Hills 13: Commerce)

**HB 340**, establishing a committee to study mercury source reduction and recycling issues. (Musler, Straf 6: Environment and Agriculture)

**HB 341**, relative to the process for nonrenewal of teacher contracts. (O'Hearn, Hills 26; Larsen, Dist 15: Education)

**HB 342**, repealing certain laws pertaining to adverse possession. (Bickford, Straf 1: Judiciary)

**HB 343**, changing the Columbus Day holiday to Explorers Day. (V. Clark, Rock 17: Executive Departments and Administration)

**HCR 6**, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Burling, Sull 1; Nordgren, Graf 10; O'Hearn, Hills 26; Chandler, Carr 1; Konys, Hills 33; Trombly, Dist 7: State-Federal Relations and Veterans Affairs)

## RECESS

### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.



## **HOUSE JOURNAL No. 4**

Thursday, January 28, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Daniel B. Randall from the Congregational Church in Lee, New Hampshire.

O Wondrous Source of Life, as these elected officials begin this session of possibilities grant them the integrity to be tutored by difficult questions, courage to venture beyond easy answers, wisdom to respect one another's differences and trust in one another's commitment to the common good. Gather them now from hundreds of different stories and backgrounds into one body of public service, that on this day they may find their work filled with hope, justice and the grace of Your holy presence in all they do. Amen.

Rep. Francis Davis led the Pledge of Allegiance.

### **LEAVES OF ABSENCE**

Reps. Carlson, Patricia Cote, Crowell, Dunham, Fenton, Flanagan, Franks, Karen Hutchinson, Langer, Benjamin Moore, Nolan-Piteri, Mary Ouellette, Seldin and Splaine, the day, illness.

Reps. Asplund, DePecol, Emerton, Flint, Golden, Hager, Hamel, Heon, Landers, Lynott, MacNeil, McGuirk, O'Keefe, Pantelakos, Marsha Pelletier, Perkins, John Pratt, Priestley,

Rabideau, Riley, Scanlan, Tsiros and Weatherspoon, the day, important business.

Rep. Michael Downing, the day, death in the family.

Reps. Bickford, Bishop, Dawe and Raynowska, the day, illness in the family.

### **INTRODUCTION OF GUESTS**

Students from the Dondero Elementary School in Portsmouth, guests of Reps. Norelli and Pitts. Harold Matava, Russell and Mildred Elwell, Janet Anderson, Marilyn Ross, Ruth Steward, George and Helen Fryer and Robert Fortnam, guests of the Pembroke and Allentown delegations.

### **COMMUNICATIONS**

January 7, 1999

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 20, Jackie K. Weatherspoon, d, Exeter (53 Court Street) 03833

William M. Gardner, Secretary of State

January 20, 1999

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough 20, Donald Carlson, r, New Ipswich (PO Box 41) 03071

William M. Gardner, Secretary of State

### **AMENDMENT TO HOUSE RULE 64**

Reps. Chandler and Burling moved that House Rule 64 be amended as offered by the Rules Committee.

March 11, 1999, Thursday. Last day to amend house rules by majority vote.

Reps. Lozeau and Burling spoke in favor.

Adopted.

### **COMMITTEE REPORTS**

#### **CONSENT CALENDAR**

Rep. Chandler moved that the Consent Calendar as printed in the day's House Record be adopted. Consent Calendar adopted.

**HB 75**, changing the number required for a quorum on the commission for human rights. **OUGHT TO PASS**

Rep. Howard C. Dickinson for Executive Departments and Administration: When the number of members of the commission for human rights was increased from 5 to 7 members in 1992, the members needed to make a quorum remained at 3. This bill increases the number of members necessary for quorum from 3 to 4, except that three members may sit to hear complaints, RSA 354-A:21,II(b). Vote 17-0.

**HB 54**, allowing simultaneous service of a demand for rent and a notice to quit. **OUGHT TO PASS**  
Rep. James W. Craig for Judiciary: This bill provides a technical change in the landlord/tenant statute without affecting the rights of either landlords or tenants as they currently exist in that statute. The current statute requires a landlord in an eviction process to serve a demand for rent prior to serving a notice to quit upon a tenant. Today, there is no legitimate reason for this requirement in the statute and HB 54 corrects this by allowing a landlord to serve the demand for rent prior to "or simultaneously with" the notice to quit. Vote 19-1.

**HB 72**, relative to the seasons for fishing on certain large lakes. **INEXPEDIENT TO LEGISLATE**  
Rep. Richard S. Brothers for Wildlife and Marine Resources: This bill seeks to expand the fishing season on large lakes. While a well intentioned idea, the legislature has always allowed the Fish and Game Department to set the fishing seasons, with the information they receive from their biologists. This has been the most effective way to manage the fish population in these lakes. Vote 18-0.

**REGULAR CALENDAR**

**HB 102-FN**, establishing a dedicated education trust fund. **INEXPEDIENT TO LEGISLATE**  
Rep. O. Alan Thulander for Finance: The intent of this bill is to establish a dedicated fund to receive all proceeds from state aid or appropriations for educational support. The aim is to prevent any transfer or diversion of these funds to other than educational purposes. This bill, while having merit, is premature in that the final structure of the solution has yet to be formulated. This approach may possibly be included in the recommendation brought forward for House consideration. Vote 24-0.  
Adopted.

**HB 103-L**, repealing the annual school tax rate to be assessed for the support of the public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: This bill repeals the annual school tax rate of \$3.50 (RSA 198:1) assessed since 1919 by selectmen for the support of public schools. However, in 1939 a tobacco tax was enacted (RSA 78) which set aside RSA 198:1 disclosing that "no direct state tax shall be levied on the cities and towns" while the tobacco chapter remains in effect. In short, this bill is unnecessary as the provisions of RSA 198:1 no longer apply. Vote 23-1.

Rep. Mirski spoke against.

Rep. Vaughn spoke in favor.

Rep. Gilman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 276 NAYS 41****YEAS 276****BELKNAP**

Bartlett, Gordon  
Millham, Alida  
Turner, Robert

Boriso, Thomas  
Pilliod, James  
Wendelboe, Francine

Czech, Stanley  
Salatiello, Thomas  
Wood, Jane

Holbrook, Robert  
Thomas, John

**CARROLL**

Chandler, Gene  
MacDonald, Kenneth

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy

**CHESHIRE**

Avery, Stephen  
Lerandeau, Alfred  
Mitchell, McKim  
Robertson, Timothy  
Smith, Edwin

Blaisdell, Michael  
Lynch, Margaret  
Pratt, Irene  
Rose, William  
Zerba, Roger

Burnham, Daniel  
Manning, Joseph  
Richardson, Barbara  
Royce, H Charles

Doucette, Richard  
Meador, David  
Roberts, William  
Russell, Ronald

**COOS**

Davis, Perley  
Horton, Lynn  
Rodrigue, Robert

Glimes, Sara  
Mears, Edgar  
Tholl, John, Jr

Guay, Lawrence  
Merrill, Gerald  
Woodward, David

Hawkinson, Marie  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Marshall, Gene

Almy, Susan  
Eaton, Stephanie  
Nordgren, Sharon

Brothers, Richard  
Guest, Robert  
Solow, Martha

Copenhaver, Marion  
Johnson, Gary  
Ward, Brien

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Bergin, Peter  
Burkush, James  
Clegg, Robert, Jr  
Daigle, Robert  
Desrosiers, William  
Dyer, Merton  
Ford, Nancy  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Herman, Keith  
Jean, Claudette  
Kurk, Neal  
Lasky, Bette  
Lozeau, Donnalee  
McColgan, Philip, Jr  
Mendenhall, Leslie  
Moriarty, Mary  
Pepino, Leo  
Sarette, John  
Turgeon, Roland  
Withee, Dennis

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Calawa, Leon, Jr  
Cote, David  
Dalianis, Griffin  
Dokmo, Cynthia  
Fields, Dennis  
Foster, Linda  
Goley, Jeffrey  
Haley, Robert  
Herman, Richard  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Mercer, Robert  
Mosher, William  
Reeves, Sandra  
Sargent, Maxwell  
Vaillancourt, Steve

Andrews, Frederick  
Belvin, William  
Bruno, Pierre  
Chabot, Robert  
Cote, Peter  
Daniels, Gary  
Drabinowicz, A  
Fletcher, Richard  
Gagnon, Eugene  
Gorman, Mary  
Hall, Betty  
Holley, Sylvia  
Keye, Harvey  
LaPorte, George  
Leonard, Peter  
McCarthy, William  
McGough, Tim  
Messier, Irene  
O'Connell, Timothy  
Reidy, Frank  
Tate, Joan  
White, John

Arnold, Thomas, Jr  
Bergeron, Lucien  
Buckley, Raymond  
Christiansen, Lars  
Curran, James  
Desmarais, Vivian  
Durham, Susan  
Flora, Kathleen  
Garrish, Linda  
Goulet, Maurice  
Hansen, Herbert  
Hunter, Bruce  
Konys, Christine  
LaRose, Richard  
Lessard, Rudy  
McCarty, Winston  
Melcher, Harold  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Thulander, O Alan  
Williams, Carol

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Fraser, Marilyn  
Jacobson, Alf  
Lockwood, Priscilla  
Nichols, Avis  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Larrabee, David, Sr  
Marshall, Kenneth  
Owen, Derek  
Rodd, Beth  
Wallner, Mary Jane

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Lavoie, Gerard  
Maxfield, Roy  
Potter, Frances  
St Cyr, Gerard  
Whalley, Michael

Chase, George  
Feuerstein, Martin  
Hoadley, Elizabeth  
Leber, William  
Moore, Carol  
Poulin, Dave  
Virtue, Carolyn  
Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
Bridle, Russell

Arndt, Janet  
Case, Margaret

Belanger, Ronald  
Christie, Andrew, Jr

Blanchard, MaryAnn  
Clark, Martha

Clark, Vivian  
Fesh, Robert  
Gibbons, Paul  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Sabella, Norma  
Shultis, Elizabeth  
Verani, Giovanni  
Zolla, William

Cooney, Richard  
Flanders, David  
Grant, Kenneth  
Johnson, Robert  
Kelley, Jane  
Lovejoy, Marian  
Norelli, Terie  
Packard, Sherman  
Sapareto, Frank  
Stone, Joseph  
Welch, David

Cox, Russell  
Flanders, John, Sr  
Griffin, Mary  
Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Pitts, Jacqueline  
Schanda, Frank  
Tufts, J Arthur  
Weyler, Kenneth

Dowling, Patricia  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Ruffner, Walter  
Shelton, Richard  
Vaughn, Charles  
Whittier, John

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Dunlap, Patricia  
Kaen, Naida  
Lundborn, Raymond  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph  
Woods, Phyllis

Brennan, William  
Cossette, Larry  
Estabrook, Iris  
Keans, Sandra  
McKinley, Robert  
Rollo, Michael  
Spear, Barbara  
Vachon, Dennis

Brown, George  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

Brown, Julie  
Domingo, Baldwin  
Johnson, Nancy  
Lent, Donald  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

### SULLIVAN

Allison, David  
Jones, Constance  
Young, David

Burling, Peter  
Leone, Richard

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas, Jr  
Wiggins, Celestine

### NAYS 41

### BELKNAP

Boyce, Robert

Johnson, James

Rice, Thomas

Rosen, Ralph

### CARROLL

Babson, David, Jr  
Torresen, Gary

Bradley, Jeb

Dickinson, Howard

Mock, Henry

### CHESHIRE

None

### COOS

None

### GRAFTON

Alger, John  
Hall, David  
Picconi, Al

Cobb, John  
Harmon, Hobart  
Weber, Phil

Dudley, Terri  
Mirski, Paul

Gilman, G Michael  
Phinney, William

### HILLSBOROUGH

Beaupre, Roland  
Wall, Nancy

Coughlin, Pamela  
White, Donald

Jean, Loren

Ouellette, Dean

### MERRIMACK

Kennedy, Richard

Marple, Richard

Soltani, Tony

**ROCKINGHAM**

Beaulieu, Jon  
Noyes, Richard  
Stritch, C Donald

Dolan, Richard  
Putnam, Ed, II  
Varrell, Thomas

Langley, Jane  
Quandt, Marshall  
Weare, Everett

Mikowski, Walter  
Stickney, Nancy

**STRAFFORD**

None

**SULLIVAN**

Phinizy, James

Tuthill, John

and the report was adopted.

Reps. Carson, Gleason, Martel and Simon did not vote and wished to be recorded in favor.

**HB 104**, relative to the first property tax bill of 1999. **INEXPEDIENT TO LEGISLATE**

Rep. Jeffrey C. MacGillivray for Finance: While it is often prudent to plan for contingencies, at this time we expect that the New Hampshire legislature will enact legislation to address the Claremont ruling on time. In the event that we do not, we would need different legislation with considerably more provisions than are contained in this bill. We thank the sponsor for her suggestions, but we would prefer to only work on such legislation if it became necessary. Vote 24-0.

Adopted.

**HB 111-L**, relative to the validity and enforceability of certain obligations and indebtedness of municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Finance: This bill provides "belt and suspender" protections for municipalities facing short-term Claremont-related problems. The bill allows banks to risk making small, short-term loans to municipalities this year, and absolves municipal officials from official and personal liability for borrowing those sums even if those loans would normally be repaid from school revenues which are not currently assured. The amendment permits school boards and towns to call special school district and town meetings until December 31, 1999 without court approval, if necessary to address issues created by any resolution of the Claremont lawsuit. Vote 23-0.

**Amendment (0013h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the validity and enforceability of certain obligations and indebtedness of municipalities and allowing school districts and towns to hold special meetings to address issues raised by resolution of the Claremont lawsuit.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Special School District and Town Meetings Authorized. A school board may call a special school district meeting under RSA 197:3, without court approval, and a town may call a special town meeting under RSA 31:5, without court approval, to address any issues raised by resolution of the Claremont lawsuit. This authority shall expire no later than December 31, 1999.

**AMENDED ANALYSIS**

This bill makes valid and enforceable certain obligations and indebtedness of municipalities. The bill also allows school districts and towns to hold special meetings to address issues raised by resolution of the Claremont lawsuit on or before December 31, 1999.

Rep. Torr spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 234-FN-A**, relative to state matching funds for Federal Emergency Management Agency disaster assistance grants, and making appropriations therefor. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Finance: In 1995 and in the winter and spring of 1998, ice and rain storms created disaster areas throughout New Hampshire. FEMA inspectors approved eligible costs associated with these disasters based on cost sharing set at 75% federal and 25% state. The 25%

state share reimburses state agency expenses and the full 12.5% of local expenditures for which the state is responsible. This requires \$621,710 from state general funds and \$213,127 from highway funds. Vote 18-0.

Adopted and ordered to third reading.

### SUSPENSION OF RULES

Reps. Chandler and Burling moved that the rules be so far suspended as to permit consideration at the present time of **HB 344-L**, relative to voting in official ballot school districts, without the required referral to committee, proper hearing and notice.

Adopted by the necessary two-thirds.

### CONSIDERATION OF HB 344

**HB 344-L**, relative to voting in official ballot school districts.

Rep. Weber moved Ought to Pass.

Rep. Henderson spoke in favor.

Adopted and ordered to third reading.

### SUSPENSION OF RULES

Reps. Chandler and Burling moved that the rules be so far suspended as to permit the last day for sign-off of all House bills to be Thursday, January 28, 1999 at 5:00 p.m.

Rep. Lozeau spoke in favor and yielded to questions.

Adopted by the necessary two-thirds.

### RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 10, 1999 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 75**, changing the number required for a quorum on the commission for human rights.

**HB 54**, allowing simultaneous service of a demand for rent and a notice to quit.

**HB 111-L**, relative to the validity and enforceability of certain obligations and indebtedness of municipalities and allowing school districts and towns to hold special meetings to address issues raised by resolution of the Claremont lawsuit.

**HB 234-FN-A**, relative to state matching funds for Federal Emergency Management Agency disaster assistance grants, and making appropriations therefor.

**HB 344-L**, relative to voting in official ballot school districts.

### UNANIMOUS CONSENT

Reps. Burnham and Dolan addressed the House.

### RECOGNITION

The House observed a moment of silence in the memory of teacher and astronaut Christa McAuliffe.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 11:00 a.m.

### RECESS

(Rep. Whalley in the Chair)

## RESOLUTION

Rep. Clegg offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 345 through 390, and House Joint Resolutions numbered 2 through 4, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HJR's

### First, second reading and referral

**HB 345-FN**, relative to harassment via the Internet. (Stone, Rock 7; Dolan, Rock 12; Knowles, Straf 11; Christie, Rock 22; J. King, Dist 18; Trombly, Dist 7: Criminal Justice and Public Safety)

**HB 346-FN-A**, relative to permissible fireworks. (Hunter, Hills 7; Roberge, Dist 9: Criminal Justice and Public Safety)

**HB 347-L**, relative to municipal economic development and revitalization district tax increments. (Thulander, Hills 6: Municipal and County Government)

**HB 348-FN**, privatizing the sale of liquor. (Rubin, Rock 25: Executive Departments and Administration)

**HB 349-FN-L**, relative to revising annual grant amounts for school building aid. (Hinman, Graf 7; Alger, Graf 9; Rollo, Straf 10; Wendelboe, Belk 2; MacNeil, Graf 7; Krueger, Dist 16; Brown, Dist 17: Education)

**HB 350-FN**, relative to an additional lane on Route 102 in Chester and making an appropriation therefor. (Beaulieu, Rock 11; Hamel, Rock 10; R. Nowe, Rock 3; Brown, Dist 17; Krueger, Dist 16: Public Works and Highways)

**HB 351**, relative to liability for property taxes on manufactured housing when the manufactured housing is moved. (Lyman, Carr 5: Commerce)

**HB 352-FN**, relative to including persons practicing as sports trainers in the regulation of athletic trainers. (Rubin, Rock 25: Executive Departments and Administration)

**HB 353**, relative to access to toilet facilities in public places. (Taylor, Straf 11: Health, Human Services and Elderly Affairs)

**HB 354**, broadening the range of acceptable media for storage of public records. (L'Heureux, Hills 18; Langer, Merr 11; Beaulieu, Rock 11; Roberge, Dist 9: Municipal and County Government)

**HB 355**, relative to the dredging of harbors and channels. (O'Keefe, Rock 21; Weare, Rock 21; Kelley, Rock 22; Francoeur, Rock 22; Hollingworth, Dist 23: Public Works and Highways)

**HB 356**, relative to the issuance of summons and notice in CHINS petitions. (Lyman, Carr 5: Children and Family Law)

**HB 357**, establishing a committee to study and investigate issues related to investigations, trials, convictions, and sentencing of sex offenders. (Lyman, Carr 5; William McCarthy, Hills 41; Pepino, Hills 40; Sargent, Hills 3: Criminal Justice and Public Safety)

**HB 358**, relative to the term of office for members of the state board of education. (O'Hearn, Hills 26: Education)

**HB 359**, establishing a committee to study the rights of a private citizen to pursue a criminal investigation if he or she believes it is not being pursued vigorously. (Lyman, Carr 5; Hunter, Hills 7: Criminal Justice and Public Safety)

**HB 360-FN**, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons. (Murphy, Hills 42; Pepino, Hills 40: Criminal Justice and Public Safety)

**HB 361**, requiring the suspension of attorneys who do not abide by a client's decision whether to accept an offer of settlement. (Gilman, Graf 1: Judiciary)

**HB 362**, relative to dam safety program violations. (Royce, Ches 9: Resources, Recreation and Development)

**HB 363-FN**, increasing the bonding limit of the school building authority. (Burling, Sull 1: Public Works and Highways)

**HB 364**, relative to expenditure of funds received from the United States on account of national forest lands in this state. (Dyer, Hills 8: Municipal and County Government)

- HB 365**, establishing a committee to study the current practice of posting roads and its effect on the economy. (Lyman, Carr 5: Public Works and Highways)
- HB 366**, allowing the secretary of state to accept faxed filings for a primary on the last day of the filing period. (Buckley, Hills 44: Election Law)
- HB 367**, relative to requesting certifying scientists to appear at DWI hearings. (Musler, Straf 6; Welch, Rock 18; Wheeler, Dist 21: Criminal Justice and Public Safety)
- HB 368**, relative to motor vehicle learner's permit requirements. (Akins, Graf 14: Transportation)
- HB 369**, relative to tobacco use violations by minors and establishing a committee on teen tobacco use prevention and education. (Akins, Graf 14; Pilliod, Belk 3; Nordgren, Graf 10; Richardson, Ches 12: Commerce)
- HB 370-L**, prohibiting wastewater treatment plants from excluding towns that regulate sludge disposal within their borders from using such facilities and requiring disclosure by sellers of sludge applications to land. (Owen, Merr 6: Environment and Agriculture)
- HB 371**, relative to warranty coverage and liability for loss under a motor vehicle lease. (Christiansen, Hills 23; Clegg, Hills 23: Commerce)
- HB 372**, amending the bond issuing powers of the business finance authority. (Belvin, Hills 14; Below, Dist 5: Commerce)
- HB 373**, making technical corrections to the securities laws. (Flanagan, Rock 14: Commerce)
- HB 374**, relative to the order of names on presidential primary election ballots. (Flanagan, Rock 14: Election Law)
- HB 375**, relative to substitutions for disqualified candidates and relative to nominations by nomination papers. (Flanagan, Rock 14: Election Law)
- HB 376**, relative to the times for sessions for corrections of voter checklists. (Flanagan, Rock 14: Election Law)
- HB 377**, relative to staying adoption of zoning ordinances under certain circumstances. (Moran, Hills 15; Roberge, Dist 9: Municipal and County Government)
- HB 378**, relative to discharge or suspension of county employees. (Soltani, Merr 10: Municipal and County Government)
- HB 379**, setting up a study committee to study issues pertaining to the Sullivan county regional refuse disposal district. (Tuthill, Sull 5: Environment and Agriculture)
- HB 380**, repealing the Interstate Solid Waste Compact. (Tuthill, Sull 5: Environment and Agriculture)
- HB 381**, prohibiting any candidate from receiving the nomination of more than one party. (Rollo, Straf 10: Election Law)
- HB 382**, making the law against discrimination by employers applicable to charitable and educational organizations. (Nordgren, Graf 10; Konys, Hills 33; Cohen, Dist 24: Judiciary)
- HB 383**, relative to the authority of the department of environmental services to assign air pollution allowances and credits. (MacGillivray, Hills 21: Science, Technology and Energy)
- HB 384-L**, relative to permitting the election of city officers to be held on biennial election day. (Feuerstein, Merr 13: Municipal and County Government)
- HB 385**, increasing the time window for holding the first session of a town meeting in political subdivisions which have adopted the official ballot. (MacGillivray, Hills 21: Municipal and County Government)
- HB 386**, establishing a committee to study allowing Internet service providers to restrict unsolicited electronic mail. (MacGillivray, Hills 21: Science, Technology and Energy)
- HB 387**, relative to local telephone calling areas, access charges, and competitive telephone services. (MacGillivray, Hills 21: Science, Technology and Energy)
- HB 388**, relative to telephone number conservation. (MacGillivray, Hills 21: Science, Technology and Energy)
- HB 389**, relative to procedures for apportioning state representatives among counties and among legislative districts. (MacGillivray, Hills 21: Election Law)
- HB 390-L**, relative to lengthening the polling hours in towns. (MacGillivray, Hills 21: Election Law)
- HJR 2**, urging that federal air pollution programs not punish early adopters of air pollution control technology. (MacGillivray, Hills 21: Science, Technology and Energy)
- HJR 3**, urging ISO-New England to adopt policies furthering the state's interest in electric utility restructuring. (MacGillivray, Hills 21: Science, Technology and Energy)



**HJR 4**, urging the federal government to support telephone number conservation. (MacGillivray, Hills 21: State-Federal Relations and Veterans Affairs)

## RECESS

(Rep. Buckley in the Chair)

## SENATE MESSAGE

## CONCURRENCE

**HB 111-L**, relative to the validity and enforceability of certain obligations and indebtedness of municipalities and allowing school districts and towns to hold special meetings to address issues raised by resolution of the Claremont lawsuit.

**HB 234-FN-A**, relative to state matching funds for Federal Emergency Management Agency disaster assistance grants, and making appropriations therefor.

**HB 344-L**, relative to voting in official ballot school districts.

## RESOLUTION

Rep. Vaillancourt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 391 through 399 and 401 through 411, House Joint Resolution numbered 5 and Constitutional Amendment Concurrent Resolutions numbered 11 through 13, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF HOUSE BILLS, HJR and CACRs

### First, second reading and referral

**HB 391**, establishing a village plan alternative in zoning and land use planning laws. (Mirski, Graf 12; M. Fuller Clark, Rock 36: Municipal and County Government)

**HB 392**, relative to exemptions from required child immunizations. (Richardson, Ches 12; Peterson, Hills 8; Norelli, Rock 31; Hunt, Ches 10; Bradley, Carr 8: Health, Human Services and Elderly Affairs)

**HB 393-FN-A**, establishing a sunset review process for state agencies and making an appropriation therefor. (Mirski, Graf 12; Scanlan, Graf 11: Legislative Administration)

**HB 394-L**, enabling towns, cities, and village districts to assess property taxes for certain services on charitable organizations. (Dickinson, Carr 2; Bickford, Straf 1; Mock, Carr 3; J. Phinizy, Sull 7: Municipal and County Government)

**HB 395-FN-A**, establishing a pilot program of matching grants and optional local tax exemptions to preserve historic agricultural structures in New Hampshire and making an appropriation therefor. (Thulander, Hills 6; M. Fuller Clark, Rock 36: Environment and Agriculture)

**HB 396**, establishing April 6 of each year as New Hampshire Tartan Day. (Avery, Ches 8; McGough, Hills 18; M. Fuller Clark, Rock 36; K. MacDonald, Carr 7; Johnson, Dist 3; Gordon, Dist 2; Wheeler, Dist 21; Larsen, Dist 15: Executive Departments and Administration)

**HB 397**, establishing a 4-year term for the commissioner of the department of corrections. (Burling, Sull 1: Executive Departments and Administration)

**HB 398**, relative to prayer in the public schools. (M. Nowe, Rock 4; G. Katsakiores, Rock 13, R. Nowe, Rock 3; Rose, Ches 13; LaPorte, Hills 39; Brown, Dist 17; Francoeur, Dist 14; Krueger, Dist 16: Education)

**HB 399**, allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary. (Splaine, Rock 34; Flanagan, Rock 14: Election Law)

**HB 401**, relative to the International Trade Corridor and Border Crossing Planning and Development Program. (Guay, Coos 6: Public Works and Highways)

**HB 402**, establishing a commission to study the use of a surcharge to promote the use of renewable energy sources. (Gilmore, Straf 11; Bradley, Carr 8; Norelli, Rock 31: Science, Technology and Energy)

**HB 403**, relative to speed limits on Turtle Town Pond in Concord. (T. Reardon, Merr 23; Larsen, Dist 15: Transportation)

**HB 404**, establishing a committee to study the implementation of a means-testing grant program within the university system of New Hampshire. (Hinman, Graf 7; Rollo, Straf 10; MacNeil, Graf 7; Scanlan, Graf 11: Education)

**HB 405-FN**, relative to the definition of "placement cost" with regard to services for children, youth, and families provided by the department of health and human services. (Wallner, Merr 24; Gile, Merr 16; Seldin, Merr 17: Children and Family Law)

**HB 406-FN-L**, relative to certain private rail lines. (R. McKinley, Straf 2: Public Works and Highways)

**HB 407**, relative to unsolicited telephone sales by competitive telephone and electricity providers. (MacGillivray, Hills 21: Science, Technology and Energy)

**HB 408**, relative to drug formularies under managed care entities. (Taylor, Straf 11: Commerce)

**HB 409**, establishing a committee to study transportation of bulk unpackaged food products for livestock and human consumption. (Scanlan, Graf 11: Transportation)

**HB 410**, relative to the enforcement authority of the department of environmental services. (Musler, Straf 6: Environment and Agriculture)

**HB 411**, requiring ballot clerks to verify the identity of persons receiving ballots by requesting an identification card. (M. Nowe, Rock 4; R. Nowe, Rock 3; Soltani, Merr 10; G. Katsakiores, Rock 13: Election Law)

**HJR 5**, requiring the attorney general to bring suit or to join with other states bringing suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. (Mirski, Graf 12: Judiciary)

**CACR 11**, relating to the use of lottery revenues for educational purposes. Providing that lottery revenues be distributed directly to the governing body of the city or town. (Varrell, Rock 9; Guay, Coos 6; Lyman, Carr 5; Alger, Graf 9; Brown, Dist 17: Finance)

**CACR 12**, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years. (Burling, Sull 1: Election Law)

**CACR 13**, relating to the administrative office of the courts. Providing that there shall be an independent administrative office of the courts; that rulemaking authority shall be transferred from the chief justice of the supreme court to the administrative office of the courts; and that the actions of the administrative office of the courts shall be subject to the approval of the legislature. (Mirski, Graf 12: Judiciary)

## RECESS

(Rep. Lozeau in the Chair)

## RESOLUTION

Rep. Henderson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 412 through 447 and House Resolution numbered 9, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HR

### First, second reading and referral

**HB 412-FN**, relative to the state treasurer and increasing the limit on state indebtedness. (Dyer, Hills 8: Executive Departments and Administration)

**HB 413-FN-A**, relative to the renovation of regional vocational education centers, and making an appropriation therefor. (O'Hearn, Hills 26; LaRose, Hills 27; Philbrick, Carr 4; Blaisdell, Dist 10; Larsen, Dist 15: Public Works and Highways)

**HB 414-FN**, relative to the salary of the executive director of fish and game. (MacNeil, Graf 7; Mock, Carr 3; Lessard, Hills 23; L'Heureux, Hills 18: Executive Departments and Administration)

**HB 415-FN**, establishing a registry for brain and spinal cord injuries. (Boyce, Belk 5; Hollingsworth, Dist 23: Health, Human Services and Elderly Affairs)

**HB 416-FN-L**, transferring control of all rest areas on state ways to the city or town in which each rest area is situated. (Rubin, Rock 25: Public Works and Highways)

**HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. (Calawa, Hills 17; M. Fuller Clark, Rock 36; Whittemore, Merr 13; Larsen, Dist 15: Public Works and Highways)

**HB 418**, relative to accounts and reporting dates of certain funds in the fish and game department. (Abbott, Rock 19: Wildlife and Marine Resources)

**HB 419-FN**, repealing the certificate of need law. (Wendelboe, Belk 2; Roberge, Dist 9: Health, Human Services and Elderly Affairs)

**HB 420**, relative to orders for spousal support in domestic relations cases. (Bickford, Straf 1: Children and Family Law)

**HB 421**, relative to penalty provisions for the law regarding exotic aquatic weeds. (Cooney, Rock 26; Dickinson, Carr 2; French, Merr 3: Resources, Recreation and Development)

**HB 422**, relative to advertising by rent-to-own businesses. (Splaine, Rock 34: Commerce)

**HB 423**, relative to advertisements for sweepstakes and gambling. (Splaine, Rock 34: Criminal Justice and Public Safety)

**HB 424**, relative to fire protection and warning devices. (Splaine, Rock 34: Criminal Justice and Public Safety)

**HB 425**, relative to the placement of public utility wires. (Splaine, Rock 34; M. Fuller Clark, Rock 36; Pantelakos, Rock 30: Municipal and County Government)

**HB 426**, relative to clean indoor air in state buildings. (Bradley, Carr 8; MacGillivray, Hills 21; Russman, Dist 19: Science, Technology and Energy)

**HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. (Splaine, Rock 34; C. Kane, Rock 32; O'Keefe, Rock 21; Copenhaver, Graf 10; DeChane, Straf 6: Criminal Justice and Public Safety)

**HB 428**, relative to school administrative units. (Rabideau, Rock 16: Education)

**HB 429**, prohibiting mortgage foreclosures or demands of mortgages during an economic emergency declared by the governor. (Gilman, Graf 1: Commerce)

**HB 430**, requiring anyone operating windshield wipers to also have on headlights. (Avery, Ches 8; Dickinson, Carr 2: Transportation)

**HB 431**, establishing a committee to study methods and processes necessary to retain the traditional uses of White Mountain National Forest land. (Gilman, Graf 1; Corbin, Rock 25; Wendelboe, Belk 2; Boyce, Belk 5; Marple, Merr 11: Resources, Recreation and Development)

**HB 432**, requiring persons under 18 who complete a driver's education course to also do practice driving with a parent or guardian. (Gleason, Rock 13; Pilliod, Belk 3; G. Katsakiores, Rock 13; Christie, Rock 22; Russman, Dist 19; J. King, Dist. 18: Transportation)

**HB 433**, relative to moorings on public waters. (E. Smith, Ches 6; Patten, Carr 9; Kibbey, Sull 4: Resources, Recreation and Development)

**HB 434**, providing that health care providers shall determine the appropriate course of patient treatment. (Hess, Merr 11; Pilliod, Belk 3; M. Fuller Clark, Rock 36; Wheeler, Dist 21; McCarley, Dist 6: Commerce)

**HB 435**, relative to the mail order and catalog business. (K. Herman, Hills 13: Commerce)

**HB 436-L**, relative to uncompensated public service by prisoners. (Heon, Straf 14: Criminal Justice and Public Safety)

**HB 437**, establishing a study committee on state reimbursement of municipalities for emergency responses along interstate highways. (Salatiello, Belk 2: Criminal Justice and Public Safety)

**HB 438**, relative to certain changes to the membership of the advisory committee on child care. (Grassie, Straf 19; Gile, Merr 16; J. Brown, Straf 17; Estabrook, Straf 8; McCarley, Dist 6: Children and Family Law)

**HB 439**, relative to exemptions from the safe drinking water act. (Moran, Hills 15; Goulet, Hills 15; Roberge, Dist 9: Resources, Recreation and Development)

**HB 440**, relative to access to copies of patient medical records. (Soltani, Merr 10; Curran, Hills 9; Withee, Hills 15; Marple, Merr 11: Health, Human Services and Elderly Affairs)

**HB 441**, relative to a mother's right to breast-feed. (M. Fuller Clark, Rock 36; T. Reardon, Merr 23; Rabideau, Rock 16; Gile, Merr 16; Keans, Straf 16; Wheeler, Dist 21: Children and Family Law)

**HB 442**, relative to charitable gift annuities. (Hunt, Ches 10: Commerce)

**HB 443**, allowing certain beverage manufacturers to distribute products directly to retailers. (Hunt, Ches 10: Commerce)

**HB 444**, relative to establishing a study committee to review reestablishing passenger rail service on the Eastern Line between Newburyport, Massachusetts and Kittery, Maine. (M. Fuller Clark, Rock 36; Langley, Rock 24; Kelley, Rock 22; Shultis, Rock 33; Splaine, Rock 34: Transportation)  
**HB 445**, relative to straight ticket voting procedures. (Arndt, Rock 27; Langley, Rock 24: Election Law)

**HB 446-L**, subjecting certain land in the town of Newport to local land use regulations. (Wiggins, Sull 4; Flint, Sull 4; Kibbey, Sull 4; J. Phinizy, Sull 7; Tuthill, Sull 5; Disnard, Dist 8; Russman, Dist 19: Municipal and County Government)

**HB 447**, repealing the laws prohibiting certain promotional games. (Dalianis, Hills 35; Clegg, Hills 23: Criminal Justice and Public Safety)

**HR 9**, encouraging the use of funds from timber sales of White Mountain National Forest timber to be exclusively for maintenance, upgrading, and funding of the White Mountain National Forest and its facilities. (Gilman, Graf 1; Corbin, Rock 25; Wendelboe, Belk 2; Boyce, Belk 5; Marple, Merr 11: Resources, Recreation and Development)

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 111, 234 and 344.

Rep. Lozeau, Sen. Disnard for the Committee

## RECESS

(Rep. Leone in the Chair)

## RESOLUTION

Rep. Young offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 448 through 478, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 448**, relative to the board of dental examiners and the regulation of dentists and dental hygienists. (Dyer, Hills 8; J. King, Dist 18; D'Allesandro, Dist 20: Executive Departments and Administration)

**HB 449-FN**, requiring boating safety education. (Whalley, Merr 5; E. Smith, Ches 6; Mercer, Hills 27; Letourneau, Rock 13; Fraser, Dist 4; Wheeler, Dist 21; Johnson, Dist 3; Hollingworth, Dist 23: Resources, Recreation and Development)

**HB 450**, prohibiting a prepayment penalty on a second mortgage home loan which has been in existence for 4 years. (Copenhaver, Graf 10: Commerce)

**HB 451**, relative to payments of first and second home mortgages. (Copenhaver, Graf 10; J. Pratt, Ches 2: Commerce)

**HB 452**, relative to patients' rights. (Alger, Graf 9; Copenhaver, Graf 10; L. Foster, Hills 10; Wheeler, Dist 21; Krueger, Dist 16: Health, Human Services and Elderly Affairs)

**HB 453**, requiring certain vehicles that transport children to school or school-related activities to meet the minimum safety standards for school buses. (LaPorte, Hills 39: Transportation)

**HB 454**, relative to tuition waivers for veterans at state institutions of higher learning. (E. Gagnon, Hills 48: Education)

**HB 455-FN-L**, designating all tobacco-related funds to be used exclusively to supplement state aid to public education. (Franks, Hills 26; Scanlan, Graf 11; Klemm, Dist 22: Finance)

**HB 456**, establishing a committee to study issues relating to the deaf community in New Hampshire. (Burnham, Ches 8; Emerton, Hills 7; Copenhaver, Graf 10; Batula, Hills 18; Keans, Straf 16; Squires, Dist 12; D'Allesandro, Dist 20; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

**HB 457**, extending the committee to study electric rate reduction financing. (Bradley, Carr 8; MacGillivray, Hills 21; Gilmore, Straf 11; Below, Dist 5; F. King, Dist 1; Hollingworth, Dist 23; Fraser, Dist 4: Science, Technology and Energy)

- HB 458**, relative to voter qualifications. (Rodrigue, Coos 7: Election Law)
- HB 459**, removing the requirement for continuing education for renewal of a professional engineer's license. (Vaillancourt, Hills 44; Kelley, Rock 22: Executive Departments and Administration)
- HB 460**, relative to adoption and final approval of master plans for municipalities. (DiFruscia, Rock 27: Municipal and County Government)
- HB 461-L**, relative to inclusion of conservation, preservation, and local water resources management provisions in local master plans. (DiFruscia, Rock 27: Municipal and County Government)
- HB 462**, relative to public/private partnership projects in the department of transportation. (R. Nowe, Rock 3; G. Katsakiores, Rock 13; Gleason, Rock 13; Brown, Dist 17; Klemm, Dist 22: Public Works and Highways)
- HB 463-L**, relative to local regulation of junk yards. (Soltani, Merr. 10; Dokmo, Hills 14; G. Brown, Straf 17; Withee, Hills 15; Curran, Hills 9: Public Works and Highways)
- HB 464**, relative to economic development and retention rates and special contracts. (MacGillivray, Hills 21; Norelli, Rock 31; Thomas, Belk 3; Lynde, Hills 24; Bradley, Carr 8; F. King, Dist 1; Johnson, Dist 3: Science, Technology and Energy)
- HB 465**, prohibiting the application of the doctrine of adverse possession or prescription when boundary lines can be proven by a preponderance of the evidence. (Bickford, Straf 1: Judiciary)
- HB 466**, establishing a commission to study education options in school districts not maintaining a high school. (Stone, Rock 7; R. Hutchinson, Rock 8; L. Jean, Hills 17; Boyce, Belk 5; J. King, Dist 18; Fraser, Dist 4; Brown, Dist 17: Education)
- HB 467**, establishing a committee to study the ability of the legislature to obtain accurate testimony. (Kennedy, Merr 7: Legislative Administration)
- HB 468**, relative to the home rule powers of municipalities. (Stone, Rock 7; Fraser, Merr 21; Burling, Sull 1; V. Clark, Rock 17; Cohen, Dist 24; D'Allesandro, Dist 20: Municipal and County Government)
- HB 469**, raising the medical payments coverage under automobile insurance policies. (DePecol, Ches 14: Commerce)
- HB 470**, relative to settlement of personal actions. (DePecol, Ches 14: Judiciary)
- HB 471**, exempting family owned and operated businesses from certain requirements in the workers' compensation act relative to safety programs. (Gilman, Graf 1: Labor, Industrial and Rehabilitative Services)
- HB 472**, relative to establishing metal limits on land-applied sludge. (Owen, Merr 6: Environment and Agriculture)
- HB 473**, relative to small group health insurance. (K. Herman, Hills 13: Commerce)
- HB 474-FN**, relative to the annual audit of New Hampshire retirement system funds. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)
- HB 475-FN-A**, appropriating a portion of tobacco settlement moneys to fund the activities of the emergency shelter and homeless coordination commission. (Moriarty, Hills 18; Young, Sull 6: Finance)
- HB 476**, establishing a committee to study the feasibility of allowing state and local government part-time employees to participate in their employer's group insurance coverage. (Garrish, Hills 37; Mears, Coos 7; Wheeler, Dist 21: Executive Departments and Administration)
- HB 477-FN**, changing certain requirements for temporary plates on motor vehicles. (Soltani, Merr 10: Transportation)
- HB 478**, prohibiting smoking in all areas of prisons. (K. Herman, Hills 13: Criminal Justice and Public Safety)

## RECESS

(Rep. Durham in the Chair)

## RESOLUTION

Rep. Henderson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 479 through 499 and 501 through 503, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 479-A**, making a capital appropriation for siting and design of a new Merrimack district courthouse. (Brundige, Hills 18; Batula, Hills 18; Milligan, Hills 18; Calawa, Hills 17; Roberge, Dist 9; Public Works and Highways)

**HB 480**, relative to the taking of sand eels. (Weare, Rock 21; O'Keefe, Rock 21: Wildlife and Marine Resources)

**HB 481-FN**, relative to penalties for unlicensed practice of regulated occupations and professions. (Mirski, Graf 12: Executive Departments and Administration)

**HB 482**, relative to a study of tolls on the turnpike system. (Bradley, Carr 8; Arthur, Hills 18; MacGillivray, Hills 21: Public Works and Highways)

**HB 483-FN-L**, relative to restricting the authority of the state board of education to adopt minimum standards for public school approval. (Weyler, Rock 18; Alger, Graf 9; Bruno, Hills 4; Brown, Dist 17; Krueger, Dist 16: Education)

**HB 484**, relative to the registration of alternative providers of naturopathic care. (Dyer, Hills 8: Executive Departments and Administration)

**HB 485-FN**, relative to the calculation of unemployment compensation benefits. (Turner, Belk 7: Labor, Industrial and Rehabilitative Services)

**HB 486-FN-A**, relative to the physician effectiveness program. (Pilliod, Belk 3; Hollingworth, Dist 23; Squires, Dist 12: Health, Human Services and Elderly Affairs)

**HB 487**, relative to the adoption of bonds or notes in certain school districts and municipalities. (Estabrook, Straf 8; Dokmo, Hills 14; Lynch, Ches 19; Leishman, Hills 13; Allison, Sull 10; Cohen, Dist 24: Education)

**HB 488**, relative to the definition of certain disabilities in the provision of special education services. (M. Fuller Clark, Rock 36; P. Dowling, Rock 13: Education)

**HB 489-FN-A**, exempting certain transfers to or from a revocable trust from the real estate transfer tax. (T. Reardon, Merr 23; Gordon, Dist 2: Finance)

**HB 490**, enabling cities to permit the mayor to vote at city council meetings. (Gilmore, Straf 11; Taylor, Straf 11; Wheeler, Dist 21: Municipal and County Government)

**HB 491**, requiring the department of safety to conduct all qualifying examinations of individuals seeking driver's licenses. (Gleason, Rock 13; Pilliod, Belk 3; L'Heureux, Hills 18; Milligan, Hills 18; J. King, Dist 18: Transportation)

**HB 492-FN-A-L**, reducing the state bond guarantee limit for wastewater projects. (Royce, Ches 9: Finance)

**HB 493-FN**, relative to alteration of sample ballots. (Burling, Sull 1; Buckley, Hills 44; Trombly, Dist 7: Election Law)

**HB 494-FN-A**, making an appropriation to the department of cultural resources for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife. (Alukonis, Hills 23; Avery, Ches 8; Flanagan, Rock 14; M. Fuller Clark, Rock 36; Johnson, Dist 3; Klemm, Dist 22; Larsen, Dist 15: Finance)

**HB 495-FN-A**, relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee. (Holbrook, Belk 7: Finance)

**HB 496-FN-L**, relative to increasing the minimum number of hours required for novice drivers enrolled in driver's education programs. (Gleason, Rock 13; Pilliod, Belk 3; G. Katsakiores, Rock 13; Milligan, Hills 18; Cloutier, Sull 8; Pignatelli, Dist 13: Transportation)

**HB 497-FN-A**, relative to family literacy planning grants and making an appropriation therefor. (Gile, Merr 16; Wallner, Merr 24; Seldin, Merr 17; Durham, Hills 22: Education)

**HB 498-FN**, establishing a special education catastrophic aid fund. (O'Hearn, Hills 26: Education)

**HB 499-FN**, relative to payment by the state of the cost of medical insurance benefits for certain New Hampshire retirement system members. (Soltani, Merr 10: Executive Departments and Administration)

**HB 501-FN-A**, relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton, and making an appropriation therefor. (Kennedy, Merr 7; Larsen, Dist 15: Public Works and Highways)

**HB 502-FN**, subjecting all rules promulgated and administrative actions taken by lower courts to review and approval by the legislature. (Mirski, Graf 12: Judiciary)

**HB 503-FN-L**, relative to the authorized regional enrollment area agreement in Conway. (Howard, Carr 10: Education)

## RECESS

**(Rep. Chandler in the Chair)**

### RESOLUTION

Pursuant to Part II, Article 73 of the New Hampshire Constitution and RSA 91:3, Rep. Whalley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Address numbered 1, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.  
Adopted.

### INTRODUCTION OF HOUSE ADDRESS

#### First, second reading and referral

**HA 1**, for the removal of David A. Brock, chief justice of the New Hampshire supreme court, from his said office. (Mirski, Graf 12; Brown, Dist 17: Joint Committee on Address)

### RESOLUTION

Rep. Whalley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 504 through 555, House Concurrent Resolutions numbered 8 and 9 and Constitutional Amendment Concurrent Resolutions numbered 14 and 15, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

### INTRODUCTION OF HOUSE BILLS, HCRs and CACRs

#### First, second reading and referral

**HB 504**, establishing a sludge advisory board and relative to sludge quality standards. (Melcher, Hills 11; McRae, Hills 7; Robb-Theroux, Sull 9; Babson, Carr 5; Leishman, Hills 13: Environment and Agriculture)

**HB 505-FN**, establishing a special license plate for veterans. (Heon, Straf 14; R. Berube, Straf 14; Cossette, Straf 19; D'Allesandro, Dist 20; McCarley, Dist 6: Transportation)

**HB 506-FN-L**, relative to voter registration. (J. Pratt, Ches 2: Election Law)

**HB 507-L**, relative to the taxability of certain appurtenant land to a taxable building. (Foster, Hills 10; Stone, Rock 7; V. Clark, Rock 17: Municipal and County Government)

**HB 508**, relative to the nude photography of 16 and 17 year old subjects. (Packard, Rock 29: Criminal Justice and Public Safety)

**HB 509**, relative to requirements in order to obtain a private detective license. (Avery, Ches 8: Criminal Justice and Public Safety)

**HB 510-FN**, relative to monitoring aerial spraying of herbicides. (B. Hall, Hills 20; Owen, Merr 6: Environment and Agriculture)

**HB 511**, relative to the sale of certain mixed or prepared alcohol products. (Dickinson, Carr 2; Johnson, Dist 3: Commerce)

**HB 512**, relative to limiting work hours for 16 and 17-year old persons enrolled in school. (Pitts, Rock 35: Labor, Industrial and Rehabilitative Services)

**HB 513**, relative to approved permissible fireworks. (Hunter, Hills 7; Mikowski, Rock 29: Criminal Justice and Public Safety)

**HB 514-L**, establishing open enrollment provisions in the school districts of the state. (Hunt, Ches 10: Education)

**HB 515**, extending the indemnification of persons providing clinical services to the department of health and human services. (Dyer, Hills 8; Fraser, Dist 4; McCarley, Dist 6: Judiciary)

**HB 516**, exempting the New Hampshire retirement system from rulemaking for procedures concerning the retirement fund investment objectives and guidelines. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

**HB 517**, relative to insurance coverage for alcoholism treatment. (Taylor, Straf 11; M. Fuller Clark, Rock 36; Konys, Hills 33; Commerce)

**HB 518-FN-L**, relative to a joint maintenance agreement to build a single high school involving the towns of Northwood, Nottingham, and Strafford. (R. Johnson, Rock 1; Case, Rock 2; Brown, Dist 17; Wheeler, Dist 21; Fraser, Dist 4; McCarley, Dist 6: Education)

**HB 519-L**, relative to the liability of governmental units for personal injury or property damage arising out of police pursuit of individuals or vehicles operated by such individuals. (L. Jean, Hills 17: Judiciary)

**HB 520**, relative to an open season for chukar partridge. (Rogers, Straf 15: Wildlife and Marine Resources)

**HB 521-L**, exempting initial bond issues from the 10 percent limitation on exceeding appropriations recommended by the budget committee. (Cooney, Rock 26; Major, Rock 16; B. Hall, Hills 20: Municipal and County Government)

**HB 522**, relative to the public's access to sex offender registry information. (Brothers, Graf 6: Criminal Justice and Public Safety)

**HB 523**, relative to the terms of office of county officers. (E. Smith, Ches 6; Rabideau, Rock 16; Roberts, Ches 4; Calawa, Hills 17: Municipal and County Government)

**HB 524**, increasing the membership on the board of professional engineers. (Alger, Graf 9; Dickinson, Carr 2; Roberge, Dist 9; Johnson, Dist 3: Executive Departments and Administration)

**HB 525-FN**, relative to prisoner of war license plates. (M. Downing, Rock 26; J. McDonald, Hills 41; Fortnam, Merr 12; D'Allesandro, Dist 20; J. King, Dist 18; Wheeler, Dist 21: Transportation)

**HB 526**, limiting fees charged by financial institutions for use of electronic customer service terminals. (A. Pelletier, Straf 12; Fraser, Merr 21; Foster, Hills 10; Franks, Hills 26; Garrish, Hills 37: Commerce)

**HB 527**, relative to the duties of the public utilities commission. (Bradley, Carr 8: Science, Technology and Energy)

**HB 528**, adding penalty provisions to the unfair claim settlement practices by insurers law. (Keans, Straf 16; J. Brown, Straf 17: Commerce)

**HB 529**, requiring all postsecondary institutions to report all assaults to local police departments. (Gilman, Graf 1: Education)

**HB 530**, establishing a committee to review the policies and procedures of the joint health council. (Copenhaver, Graf 10: Health, Human Services and Elderly Affairs)

**HB 531**, allowing a governing body to grant a veteran's exemption in certain circumstances. (Salatiello, Belk 2: Municipal and County Government)

**HB 532**, establishing a commission to study early childhood education. (Kurk, Hills 5; O'Hearn, Hills 26; Estabrook, Straf 8; Pilliod, Belk 3; McCarley, Dist 6: Education)

**HB 533-FN**, changing the composition of the liquor commission. (Burling, Sull 1: Executive Departments and Administration)

**HB 534**, eliminating party designations in the election of party officers. (Rollo, Straf 10: Election Law)

**HB 535**, establishing a committee to study the creation of a department of natural resources. (M. Fuller Clark, Rock 36; Langley, Rock 24; Scanlan, Graf 11; Dickinson, Carr 2; McCarley, Dist 6; Disnard, Dist 8; Russman, Dist 19; Johnson, Dist 3; Cohen, Dist 24: Executive Departments and Administration)

**HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. (Bradley, Carr 8; Thomas, Belk 3; Below, Dist 5; F. King, Dist 1; Hollingworth, Dist 23: Municipal and County Government)

**HB 537**, relative to background checks for firearms purchases. (Pepino, Hills 40; Hunter, Hills 7; Tholl, Coos 5; Dickinson, Carr 2; Varrell, Rock 9; Cohen, Dist 24; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

**HB 538**, establishing a committee to study the new construction and repair of New Hampshire commemorative monuments at certain Civil War battle sites. (Letourneau, Rock 13; Packard, Rock 29; Knowles, Straf 11; Foster, Hills 10; State-Federal Relations and Veterans Affairs)

**HB 539-FN**, relative to public access to Squam Lake. (Mirski, Graf 12; Krueger, Dist 16: Resources, Recreation and Development)



**HB 540**, relative to court diversion programs. (McRae, Hills 7; Keans, Straf 16: Children and Family Law)

**HB 541**, establishing a committee to study the upgrade of Routes 11 and 140. (Leone, Sull 2; Whittemore, Merr 13; Leber, Merr 1; Cloutier, Sull 8; Spear, Straf 3; Disnard, Dist 8; Fraser, Dist 4; Trombly, Dist 7; McCarley, Dist 6: Public Works and Highways)

**HB 542-FN-A**, relative to the rate of and exemptions from the legacies and succession tax. (McGuirk, Ches 1; Mock, Carr 3; Almy, Graf 14; Foster, Hills 10; Melcher, Hills 11; Disnard, Dist 8; Brown, Dist 17: Finance)

**HB 543**, relative to fill and dredge permits for breakwaters. (D. Lawton, Belk 1; Cooney, Rock 26: Resources, Recreation and Development)

**HB 544**, relative to limitations on landowner liability. (Eaton, Graf 1; Schanda, Rock 19; McGough, Hills 18; Gordon, Dist 2; Francoeur, Dist 14; F. King, Dist 1: Judiciary)

**HB 545-FN**, relative to ambulatory surgical facilities. (Wendelboe, Belk 2; Pilliod, Belk 3; Batula, Hills 18; Russell, Ches 15; M. Fuller Clark, Rock 36; Roberge, Dist 9; D'Allesandro, Dist 20: Health, Human Services and Elderly Affairs)

**HB 546-FN-A**, providing partial funding to support research monitoring groundwater at reclamation sites that have had sludge applied. (Robb-Theroux, Sull 9; Melcher, Hills 11; Russman, Dist 19; Krueger, Dist 16; Fernald, Dist 11: Resources, Recreation and Development)

**HB 547-L**, changing the state primary election day to the first Saturday after Labor Day. (M. Fuller Clark, Rock 36; Splaine, Rock 34; Flanagan, Rock 14; Buckley, Hills 44: Election Law)

**HB 548-A**, making a capital appropriation for the construction of the Plaistow district courthouse. (Major, Rock 16; Varrell, Rock 9; Flanagan, Rock 14; Welch, Rock 18; Beaulieu, Rock 11; Russman, Dist 19; Hollingworth, Dist 23; Klemm, Dist 22: Public Works and Highways)

**HB 549-L**, relative to the minimum vote required for bond issues by municipalities. (Sabella, Rock 13; Estabrook, Straf 8: Municipal and County Government)

**HB 550-L**, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting. (Lynde, Hills 24: Municipal and County Government)

**HB 551**, relative to employers who are subject to state law against discrimination. (Soltani, Merr 10; Curran, Hills 9: Judiciary)

**HB 552**, relative to the issuance of crossbow permits to persons with a permanent physical disability. (Cobb, Graf 5: Wildlife and Marine Resources)

**HB 553-FN-A**, establishing a commission on the status of men, and making an appropriation therefor. (Bickford, Straf 1; Jacobson, Merr 2; Dickinson, Carr 2: Executive Departments and Administration)

**HB 554**, relative to driver education reciprocity. (Major, Rock 16; Mosher, Hills 30: Transportation)

**HB 555**, relative to representation of a child during child interviews. (Mirski, Graf 12: Children and Family Law)

**HCR 8**, urging nonimplementation of the articles of the Kyoto Protocol on global climate change. (L. Jean, Hills 17: State-Federal Relations and Veterans Affairs)

**HCR 9**, encouraging greater health care choices for senior citizens throughout New Hampshire. (Howard, Carr 10; Emerton, Hills 7; Johnson, Dist 3; F. King, Dist 1: State-Federal Relations and Veterans Affairs)

**CACR 14**, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10. (G. Brown, Straf 17; Avery, Ches 8: Election Law)

**CACR 15**, relating to the establishment of an indirect initiative petition process. Provided that proposed laws may be submitted to the legislature by citizen petition. (Cloutier, Sull 8; B. Hall, Hills 20: Legislative Administration)

## RECESS

(Rep. Nordgren in the Chair)

## RESOLUTION

Rep. Konys offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 556 through 580, House Concurrent Resolution numbered 10,

House Joint Resolution numbered 6 and Constitutional Amendment Concurrent Resolutions numbered 21 and 22, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF HOUSE BILLS, HCR, HJR and CACRs

### First, second reading and referral

**HB 556-FN**, relative to transporting hazardous waste. (Musler, Straf 6: Environment and Agriculture)

**HB 557-FN**, relative to hazardous waste permitting and container identification. (Musler, Straf 6: Environment and Agriculture)

**HB 558-FN**, relative to solid waste management. (Musler, Straf 6: Environment and Agriculture)

**HB 559-FN-A**, authorizing vanity plates or decals for OHRV registrations. (Mock, Carr 3: Transportation)

**HB 560-FN**, relative to the suspension or revocation of youth operators' licenses. (Lyman, Carr 5; Christie, Rock 22; Schanda, Rock 19; Sargent, Hills 3: Transportation)

**HB 561-FN**, reducing lab analysis fees of chemical analyses of water. (Royce, Ches 9: Resources, Recreation and Development)

**HB 562**, relative to the date of decision for appeals of zoning matters. (K. Marshall, Merr 4; Trombly, Dist 7; Below, Dist 5: Municipal and County Government)

**HB 563**, relative to names of limited liability partnerships and companies. (Flanagan, Rock 14: Commerce)

**HB 564-FN-L**, repealing the authority of the chief justice of the supreme court to assign superior court judges to hear cases in the district court, and reducing the judicial branch budget for jury trials in the district courts. (Pepino, Hills 40; Hunter, Hills 7; Lyman, Carr 5; Roberge, Dist 9: Judiciary)

**HB 565**, relative to the disclosure of certain information by the department of health and human services and relative to the disclosure of the identity of a person filing a report of child abuse or neglect. (Wendelboe, Belk 2: Children and Family Law)

**HB 566**, relative to the supervision of the driver education program. (Gleason, Rock 13; Pilliod, Belk 3; Milligan, Hills 18; Cloutier, Sull 8; Gordon, Dist 2; J. King, Dist 18: Transportation)

**HB 567**, encouraging alternative dispute resolution in certain domestic relations and CHINS proceedings. (Ham, Graf 4: Children and Family Law)

**HB 568**, establishing a review panel to review judicial officers. (Soltani, Merr 10; Marple, Merr 11; Christiansen, Hills 23; Roberge, Dist 9: Judiciary)

**HB 569**, relative to the tax credit for service-connected total disability. (Milligan, Hills 18; Calawa, Hills 17; Rubin, Rock 25: Municipal and County Government)

**HB 570**, restricting a presiding judge's authority to interrupt jury deliberations. (McCarthy, Hills 41: Judiciary)

**HB 571**, relative to joint legal and physical custody of children. (Bickford, Straf 1: Children and Family Law)

**HB 572-FN-A**, relative to the apportionment provisions of the business profits tax. (Mercer, Hills 27; Bradley, Carr 8; Alukonis, Hills 23; Vaughn, Rock 35; Johnson, Dist 3: Finance)

**HB 573**, clarifying the status of class VI highways. (Chandler, Carr 1; Brundige, Hills 18; Gordon, Dist 2: Public Works and Highways)

**HB 574-FN-A**, establishing a fisheries habitat stamp required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats. (Abbott, Rock 19; L'Heureux, Hills 18; Blaisdell, Ches 19; Disnard, Dist 8: Wildlife and Marine Resources)

**HB 575**, limiting railroad liability for passenger and tourist rail service. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Akins, Graf 14; R. Nowe, Rock 3; Peter Cote, Hills 32; Russman, Dist 19; Cohen, Dist 24: Judiciary)

**HB 576-FN-A**, establishing additional staff positions for child impact seminars, and making an appropriation therefor. (Wallner, Merr 24; C. Moore, Merr 19; Hollingworth, Dist 23; Russman, Dist 19; Cohen, Dist 24: Children and Family Law)

**HB 577**, relative to the power of a school district to expend catastrophic special education funds. (O'Hearn, Hills 26; Belvin, Hills 14; Gordon, Dist 2; Johnson, Dist 3; Squires, Dist 12: Education)

**HB 578**, relative to a recovery against a third party related to a workers' compensation claim. (Keans, Straf 16; Cohen, Dist 24: Labor, Industrial and Rehabilitative Services)

**HB 579-FN**, relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce. (R. Hutchinson, Rock 8; M. Fuller Clark, Rock 36; Keans, Straf 16; Trombly, Dist 7; F. King, Dist 1: Labor, Industrial and Rehabilitative Services)

**HB 580-FN-A-L**, creating a new tourism district and making an appropriation therefor. (Avery, Ches 8; J. Pratt, Ches 2; Burling, Sull 1; Roberts, Ches 4; Johnson, Dist 3; Disnard, Dist 8; Blaisdell, Ches 10: Resources, Recreation and Development)

**HCR 10**, requesting Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers. (Burling, Sull 1: State-Federal Relations and Veterans Affairs)

**HJR 6**, encouraging the revitalization of the northern rail line from Concord to Lebanon. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Akins, Graf 14; R. Nowe, Rock 3; Peter Cote, Hills 32; Russman, Dist 19; Cohen, Dist 24: Transportation)

**CACR 21**, relating to gender neutral language in the constitution. Providing that all references to persons in part 2 of the constitution shall be gender neutral. (Gilmore, Straf 11; Splaine, Rock 34; Bradley, Carr 8; Wheeler, Dist 21; Hollingworth, Dist 23: Executive Departments and Administration)

**CACR 22**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed. (Hunter, Hills 7; Welch, Rock 18; Pepino, Hills 40; Buckley, Hills 44; Roberge, Dist 9: Judiciary)

## RECESS

(Rep. Chandler in the Chair)

## RESOLUTION

Rep. Whalley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 581 through 599, 601 and 602 and House Joint Resolutions numbered 7 and 8, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HJRs

### First, second reading and referral

**HB 581-L**, relative to deposits on water meters. (Bradley, Carr 8; Johnson, Dist 3: Science, Technology and Energy)

**HB 582**, eliminating the funding of athletic scholarships by institutions within the university system of New Hampshire. (Rosen, Belk 7; Johnson, Dist 3: Education)

**HB 583**, extending the reporting date for the committee studying the issue of updating New Hampshire laws related to fences. (Patten, Carr 9; Philbrick, Carr 4; K. Marshall, Merr 4; Owen, Merr 6: Municipal and County Government)

**HB 584-FN**, relative to administrative license suspensions. (Letourneau, Rock 13; Packard, Rock 29; Christie, Rock 22; Harmon, Graf 8; Roberge, Dist 9: Criminal Justice and Public Safety)

**HB 585**, relative to preserving the use of state park lands for their original purposes. (Wiggins, Sull 4; Sapareto, Rock 13; Flint, Sull 4; Jacobson, Merr 2; Leone, Sull 2; Disnard, Dist 8: Resources, Recreation and Development)

**HB 586**, clarifying certain terms relative to the practice of chiropractic. (Robb-Theroux, Sull 9; R. Nowe, Rock 3; Bradley, Carr 8; Ruffner, Rock 25; Cohen, Dist 24: Executive Departments and Administration)

**HB 587**, relative to form of records of property with registers of deeds. (Keans, Straf 16: Municipal and County Government)

**HB 588-FN-L**, relative to county expenditures for children at the youth development center. (Wallin, Merr 15; Bartlett, Belk 6; Richardson, Ches 12: Children and Family Law)

**HB 589-FN-L**, mandating a cap on municipal registration fees for recreational vehicles. (Fenton, Hills 24: Transportation)

**HB 590-L**, relative to the use by a school district of proceeds from an educational trust fund. (Christiansen, Hills 23: Education)

**HB 591-FN**, permitting certain village districts to become eligible for state highway aid apportionment. (Philbrick, Carr 4: Public Works and Highways)

**HB 592**, creating a study committee regarding requirements for and usage of methyl t-butyl ether. (MacGillivray, Hills 21; Norelli, Rock 31; Kaen, Straf 7; D. White, Hills 25: Science, Technology and Energy)

**HB 593-FN-L**, relative to the classification of class VI roads which have been maintained by a town. (MacGillivray, Hills 21: Public Works and Highways)

**HB 594**, prohibiting the introduction of zebra mussels and other exotic aquatic animals in New Hampshire. (Cooney, Rock 26; Dickinson, Carr 2; French, Merr 03: Resources, Recreation and Development)

**HB 595-L**, enabling municipalities to grant the elderly property tax exemption to an additional person in a household. (Akins, Graf 14: Municipal and County Government)

**HB 596**, making technical corrections to certain laws administered by the department of revenue administration. (Alukonis, Hills 23: Finance)

**HB 597-FN-A**, making an appropriation to install certain safety equipment in residential care facilities. (Dyer, Hills 8; J. King, Dist 18: Health, Human Services and Elderly Affairs)

**HB 598-FN**, relative to the licensure of x-ray technicians. (Rubin, Rock 25: Executive Departments and Administration)

**HB 599-FN-A**, relative to initiating a centralized voter checklist and making an appropriation therefor. (Buckley, Hills 44; Clemons, Hills 31; Arndt, Rock 27; Arnold, Hills 20; Trombly, Dist 7; Krueger, Dist 16: Executive Departments and Administration)

**HB 601**, allowing the assistant commissioner of corrections to act on behalf of the commissioner in the commissioner's absence, establishing a term of appointment for the commissioner of corrections, and correcting out-of-date references and phraseology pertaining to the department of corrections. (Lozeau, Hills 30; Christie, Rock 22: Executive Departments and Administration)

**HB 602-FN**, establishing the office of the health insurance consumer advocate. (Hunt, Ches 10; Fraser, Dist 4: Commerce)

**HJR 7**, supporting the continued management of the White Mountain National Forest for multiple uses as a part of the National Forest System. (Guay, Coos 6; Chandler, Carr 1; Dickinson, Carr 2; Glines, Coos 6; F. King, Dist 1; Russman, Dist 19; Johnson, Dist 3; Gordon, Dist 2: State-Federal Relations and Veterans Affairs)

**HJR 8**, urging the Federal Energy Regulatory Commission to change the structure of the New England Individual Service Organization (ISO). (Gilmore, Straf 11; Below, Dist 5: Science, Technology and Energy)

## RECESS

### (Speaker Sytek in the Chair)

Rep. Whalley moved that the House adjourn.

Adopted.

## **HOUSE JOURNAL No. 5**

Wednesday, February 10, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Lynn Johnson, Pastor of the West Rumney Community Church.

God of eternity, God of this moment, You have shaped and molded our history and You hold our future. Renew our awareness of Your presence and renew our commitment to the compassion, the love and the unity that are hallmarks of Your presence. Remind us anew of Your power and make us defenders of the powerless. Remind us once more of Your love, and make us willing to act as brothers and sisters of all whom You have created. Remind us, in all our moments, of Your presence, and may we be aware that our lives and our actions are within Your sacred sight. May Your spirit of love and care bind us to those who are ill, hurt and in mourning. May our care for them become part of Your loving embrace which holds them. Amen.

Rep. David Lawton led the Pledge of Allegiance.

### **LEAVES OF ABSENCE**

Reps. Allison, Avery, Julie Brown, Patricia Cote, Courchesne, Crowell, Densmore, Golden, Langer, Benjamin Moore, Moriarty, Mosher, Nolan-Piteri, St. Hilaire and Turgeon, the day, illness.

Reps. Bartlett, Carlson, Carson, Copenhaver, Flint, Fraser, Griffin, Picconi, Priestley and Weatherspoon, the day, important business.

Reps. Hunt and Haley, the day, death in the family.

Rep. Dawe, the day, illness in the family.

### **INTRODUCTION OF GUESTS**

Barbara Brewster, guest of Rep. Brewster. Former NH Rep. Richard Trelfa and Mrs. Trelfa, guests of Reps. Franks and Musler. Aaron Bickford, son of Rep. Bickford.

### **SPECIAL GUESTS**

The New Hampshire Class I state girl's soccer championship team from Souhegan High School in Amherst, guests of the House.

### **HOUSE RESOLUTION NO. 10**

affirming revenue estimates for fiscal year 1999.

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal year 1999 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal year 1999.

Committee estimates are based on current rates.

	(A)	(B)	(C)
		FY 1999	
<b>GENERAL FUNDS:</b> <b>(Dollars in Millions)</b>	<b>Official Estimate</b>	<b>Committee Estimate</b>	<b>Variance</b>
Business Profits Tax	\$201.000	\$201.000	\$ - 0 -
Business Enterprise Tax	39.000	39.000	- 0 -
Meals & Rooms Tax	129.600	135.600	6.000
Liquor Sales	73.200	77.300	4.100
Interest & Dividends Tax	58.000	65.000	7.000
Insurance Tax	56.600	56.600	- 0 -
Tobacco Tax	72.700	75.000	2.300
Other	39.000	43.300	4.300
Communications Tax	46.100	45.000	(1.100)
Estate & Legacy Tax	37.700	46.000	8.300
Real Estate Transfer Tax	38.700	52.000	13.300
Court Fines & Fees	19.900	21.500	1.600
Utility Tax	18.000	18.000	- 0 -
Securities Revenue	19.000	20.000	1.000
Board & Care Revenue	14.300	14.300	- 0 -
Beer Tax	11.100	11.500	0.400
Horse Racing	2.650	2.000	(0.650)
Dog Racing	1.600	.900	(0.700)
<b>TOTAL STATE SOURCES</b>	<b>\$878.150</b>	<b>\$924.000</b>	<b>\$45.850</b>

	(A)	(B)	(C)
		FY 1999	
<b>GENERAL FUNDS:</b> <b>(Dollars in Millions)</b>	<b>Official Estimate</b>	<b>Committee Estimate</b>	<b>Variance</b>
Medicaid Enhancements:			
Board and Care \$25.000	\$25.000	\$ - 0 -	
Uncompensated Care Pool	52.900	52.100	(.800)
Total Medicaid Enhancements	77.900	77.100	(.800)
<b>TOTAL GENERAL FUND</b>	<b>\$956.050</b>	<b>\$1,001.100</b>	<b>45.050</b>
HHS-Third Party	\$5.000	- 0 -	(5.000)
Reimbursements			
<b>HIGHWAY FUNDS:</b> <b>(Dollars in Millions)</b>			
Road Toll	\$116.911	\$116.911	\$- 0 -
Motor Vehicle Fees	65.753	65.753	- 0 -
Miscellaneous	11.736	10.172	(1.564)
<b>TOTAL HIGHWAY FUNDS</b>	<b>\$194.400</b>	<b>\$192.836</b>	<b>\$(1.564)</b>
<b>FISH &amp; GAME FUNDS:</b> <b>(Dollars in Millions)</b>			
Fish & Game Licenses	\$6.354	\$6.354	- 0 -
Miscellaneous	0.975	0.975	- 0 -
<b>TOTAL FISH &amp; GAME FUNDS</b>	<b>\$7.329</b>	<b>\$7.329</b>	<b>- 0 -</b>
<b>SWEEPSTAKES FUNDS:</b> <b>Dollars in Millions</b>			
Sweepstakes Revenue	\$56.000	\$61.000	\$5.000
<b>TOTAL SWEEPSTAKES</b>	<b>\$56.000</b>	<b>\$61.000</b>	<b>\$5.000</b>

Rep. Alukonis moved that the House adopt HR 10.

Rep. Alukonis spoke in favor and yielded to questions.

Adopted.

**LAID ON THE TABLE**

Rep. Alukonis moved that **HR 10**, affirming revenue estimates for fiscal year 1999, be laid on the table.

Adopted.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 101**, establishing an educational commission to ensure the right of each child to an equal and adequate education, removed by Rep. DiFruscia.

**HB 296-FN-L**, consolidating the number of school administrative units to one in each county, removed by Rep. Rubin.

Consent Calendar adopted.

**HB 81**, establishing a committee to study the structure of the school administrative unit system in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Marie Rabideau for Education: This bill would establish another SAU study committee. There have been 12 SAU studies completed since 1962, seven of which took place since 1990. The findings of these past studies are on file and available to those who wish to research the topic. The committee felt that there was insufficient evidence warranting a new study when others had taken place so recently. Vote 17-0.

**HB 95-L**, relative to the establishment of educational programs for academically gifted pupils **INEXPEDIENT TO LEGISLATE**

Rep. Charles Yeaton for Education: This legislation has the laudable intention of focusing efforts on gifted students. However, a program developed by the State Board of Education could make it difficult for districts, which now operate or are establishing programs for their own gifted students. Local school districts meet the unique needs of these students. Also, there is no commonly accepted definition of a gifted student. Vote 13-0.

**HB 231**, relative to approval of applications in the charter schools pilot program. **OUGHT TO PASS**

Rep. Susan B. Durham for Education: This is a technical change, to remove material which was inadvertently left in last year in a committee of conference. Language is removed from the original charter legislation limiting charter schools to two per executive council district. This language clarifies the intent to remove barriers that make charter schools difficult to initiate. Vote 13-0.

**HB 273-FN-L**, relative to annual grants for school building aid. **RE-REFER TO COMMITTEE**

Rep. Robert E. McKinley for Education: This legislation addresses possible existing inequities related to school building aid. The committee feels it would be more appropriate to address this issue in depth, after the funding mechanisms related to the Claremont II requirements are finalized. Vote 18-0.

**HB 295-FN-L**, relative to alternative kindergarten programs in cooperative school districts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill clarifies the opportunity to cooperative school districts to offer kindergarten programs in public and non-public, non-sectarian schools or facilities. All other conditions are contained in the original kindergarten bill. The amendment corrects a grammatical error. Vote 18-0.

**Amendment (0047h)**

Amend RSA 198:15-I, II (c) as inserted by section 1 of the bill by replacing it with the following:

(c) To operate an alternative kindergarten program, in a cooperative school district, that contains a combination of programming from public and nonpublic, non-sectarian schools or facilities, subject to the approval of the cooperative school board under RSA 195.

Amend RSA 198:15-n, IV (a) as inserted by section 2 of the bill by replacing it with the following:

(a) A description of the alternative kindergarten program, *which may include a combination of programming from public and nonpublic, non-sectarian schools or facilities.*

## AMENDED ANALYSIS

This bill clarifies that cooperative school districts may operate an alternative kindergarten program which may contain a combination of public and nonpublic, non-sectarian programs or facilities.

**HB 60**, relative to meetings of the ballot law commission OUGHT TO PASS

Rep. Mary Lou Nowe for Election Law: The committee unanimously supported the need for three (3) members to be physically present at all ballot law commission meetings. Under this bill communication by telephone or electronic means would not be allowed as it has been in the past. Vote 16-0.

**HB 227**, establishing a committee to study the maintenance of voter checklists. OUGHT TO PASS

Rep. Janet S. Arndt for Election Law: The committee unanimously supports the study of the maintenance and integrity of the voter checklists. Procedures related to the 10-year verification and periodic removal of voters from the checklist will also be examined. It was brought to the committee's attention that these procedures were not always followed. The study committee will recommend legislation to correct the problems areas. Vote 14-0.

**HB 228**, clarifying permissible political expenditures. OUGHT TO PASS

Rep. Raymond Buckley for Election Law: This bill clarifies when a person is a candidate for the purpose of the voluntary expenditure limit for major office. The bill specifies that any expenditure made after January 1<sup>st</sup> of the election year shall be counted against the limit. Vote 17-0.

**HB 284-L**, relative to recount procedures in school districts. OUGHT TO PASS WITH AMENDMENT

Rep. Lynn C. Horton for Election Law: This sets up recount procedures for school districts. Tie votes and recounts shall be handled in the same manner as they are in town elections. Vote 12-0.

**Amendment (0028h)**

Amend the bill by replacing all after the enacting clause with the following:

1 School District Elections; Post-Election Procedure; Tie Votes and Recounts; Questions. Amend the introductory paragraph of RSA 671:32 to read as follows:

Tie votes and recounts in school district elections shall be handled in the same manner as in town elections as provided in *RSA 40:4-c and 40:4-d and in RSA 669:30-669:36*, except as specified herein:

2 Effective Date. This act shall take effect upon its passage.

**HB 96**, establishing an age limit for appointment of retired justices to serve as temporary supreme court justices. INEXPEDIENT TO LEGISLATE

Rep. Rep. Tony F. Soltani for Judiciary: The bill seeks to reconcile the apparent inconsistency between the constitutional age limit on judges and the law which has been interpreted to permit the selection of a retired justice, over the age of 70, to preside over individual cases. The clerk of the supreme court submitted testimony which indicates that where the constitution is silent, the legislature may exercise its prerogative. In this light, it is inexpedient to make a valuable and free resource unavailable for service. Vote 14-0.

**HB 62-L**, relative to the definition of an abutter for planning and zoning notification purposes. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: The committee believes that the current definition of abutter for notification purposes in local land use board proceedings is both adequate and appropriate. Moreover, if any municipality wishes to enact a more stringent definition, it may do so in its own regulations. Vote 13-0.

**HB 71-FN-L**, relative to authorizing agreements for the determination of each municipality's share of county costs. RE-REFER TO COMMITTEE

Rep. Richard C. Leone for Municipal and County Government: The committee agreed that the subject of determining each municipality's share of county taxes needed further study. For example, the question as to whether it would be feasible to offer enabling legislation to allow the county delegation to enter into articles of agreement similar to those used by consolidated school districts would need much dialogue and review. Vote 14-0.



**HB 77**, relative to the Melendy Pond Authority of Brookline, New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill seeks to "legalize" the Melendy Pond Authority in the town of Brookline. This authority was established, without the required state approval, by the town more than fifty years ago. It supervises what was originally the "town forest" and is now an area of summer camps. Private individuals own the camps, which are located on lots leased from the authority. The New Hampshire Supreme Court recently decided a case involving this area. Because of this opinion, the town and authority have recently asked the Committee to suspend further action on this bill. The Committee believes that this bill as presented is inadequate to deal with this situation, particularly considering the potential implications of the court opinion. Vote 16-0.

**HB 207-FN-A**, directing the office of state planning to conduct a study of the effects of sprawl in the state and making an appropriation therefor. OUGHT TO PASS

Rep. Robert W. Brundige for Municipal and County Government: This bill appropriates funds to conduct a study of the effects of sprawl in the state. This study will determine how to protect and preserve New Hampshire's historic and rural character in the face of development pressures. Vote 14-0.

**HB 217-L**, relative to conditions on net income for an elderly exemption from property taxes. INEXPEDIENT TO LEGISLATE

Rep. Thomas E. P. Rice for Municipal and County Government: This bill calls for giving an exemption to Medicare insurance recipients that is not available to persons covered under other forms of insurance. This has the effect of discriminating against those other insurance payers and is therefore not equitable. Vote 14-0.

**HB 247**, relative to voting by secret ballot at town meetings. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: The committee felt this legislation was unnecessary. RSA 40:4 1 states that the moderator shall "preside at the town meeting. . . and may prescribe rules of proceedings." This indicates that the moderator already has the ability to call for a secret ballot at his/her discretion, with the provision that those rules may be altered by the town meeting. Vote 13-0.

**HB 285**, providing that equalized value of property in small towns be calculated as a multi-year average. RE-REFER TO COMMITTEE

Rep. Anthony F. Simon for Municipal and County Government: This bill seeks to address the problem of spikes and dips in property valuation in towns with a population of less than 5,000 by requiring that valuations be equalized by calculating that value as an average of town valuation for the most recent three years. The sponsor has requested re-referral pending our solution of the Claremont II situation and the Department of Revenue Administration has expressed serious concern regarding several effects of the bill. The Committee believes that this proposal is worthy of further consideration however. Vote 15-1.

**HB 332**, establishing a committee to study the relationship between Plymouth state college and the town of Plymouth. INEXPEDIENT TO LEGISLATE

Rep. Paul A. McGuirk for Municipal and County Government: This bill is well intended. However, the issue of tax-exempt status of the university system properties is one the Municipal and County Government Committee has previously studied extensively. The Committee would urge host communities to open dialogue directly with appropriate officials to achieve some consensus. Vote 15-0.

**HB 59-FN**, relative to upgrading a portion of U.S. Route 3. INEXPEDIENT TO LEGISLATE

Rep. Bernard J. Raynowska for Public Works and Highways: The study has been done by the Department of Transportation. The 10 year plan already includes sections that would be included with this bill. The sponsor agreed to report this bill Inexpedient to Legislate. Vote 19-0.

**HB 86-A**, making a capital appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin. RE-REFER TO COMMITTEE

Rep. Paul I. LaMott for Public Works and Highways: This bill will allow further effort on behalf of the committee to establish possible joint effort of private sector, Department of Resources and

Economic Development and local funding. There are other properties under the stewardship of DRED that currently have private sponsors. The committee is in hope of finding a way to make the Webster birthplace more prominent and receive the attention that it rightly deserves. The sponsors have agreed to facilitate an effort to coordinate this effort with other interested parties. Vote 18-0.

**HB 257-FN-A**, to construct a noise barrier along a portion of I-95 and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard J. Raynowska for Public Works and Highways: The Department of Transportation has already started the work with the residents in the area addressed by this bill. The committee has been assured that all parties are very happy and the funding is coming from current DOT budgets. Vote 17-0.

**HB 93**, permitting a dam to be constructed on Rand Pond in Goshen. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: Both legislative authorization and a dam permit from Department of Environmental Services is required to construct a new dam or rebuild a dam on a great pond. This bill is merely the legislative or first step in the process. If the town wishes to proceed with construction, it will need to obtain all pertinent permits from DES for dam construction and wetland disturbance. All the testimony and the DES supported this bill. Vote 13-0.

**HB 248**, relative to the Monadnock advisory commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: This bill as amended is a common sense approach to allow the Monadnock Advisory Commission to accept gifts, donations, or grants to be used exclusively to further the purposes of the commission formed under RSA 227-D. Since 1975, when the commission was formed by the legislature, it has had many offers of donations to be used exclusively on Mt. Monadnock and its environs. (Gap Mt. And Little Monadnock). This bill also sets the stage for the commission to apply for tax exempt status with the IRS for all gifts and donations to the commission. Vote 13-0.

#### **Amendment (0019h)**

Amend 227-D:5-a as inserted by section 1 of the bill by replacing it with the following:

227-D:5-a Acceptance of Gifts. The commission may accept any gifts, donations, or grants from any source whatsoever, provided said gifts, donations or grants so received shall be used exclusively to further the purposes of this chapter.

**HB 249**, relative to the membership of the rivers management advisory committee. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: This bill adds a member to the Rivers Management Advisory Committee to be nominated by the New Hampshire Farm Bureau Federation. With the present level of development pressure and non-point pollution concerns, it seems reasonable to have voting representation for agriculture on the RMAC. Including an agricultural representative may also alleviate some of the apprehensions of those in the farm community regarding the impact on their livelihood of some of the policies and practices of the RMAC. Vote 13-0.

**HB 57**, relative to visiting traps. **INEXPEDIENT TO LEGISLATE**

Rep. Richard E. Fletcher for Wildlife and Marine Resources: After hearing all testimony with no opposition to the law as it now exists, the committee recommended that this bill be Inexpedient to Legislate. Vote 15-1.

**HB 73**, extending the reporting date of the commission to study the effects of and jurisdiction over alternative agricultural products. **OUGHT TO PASS**

Rep. William R. Phinney for Wildlife and Marine Resources: This was a bill that went to interim study from last session. After several meetings held over the summer months and the changing of the 800 series of rules by the Fish and Game Department, it was agreed by all parties involved to extend the reporting date for the two years (2000), to see if the new rules drafted by Fish and Game would solve the situation. Vote 16-0.

**HB 219**, banning certain uses of artificial light to take wildlife. **INEXPEDIENT TO LEGISLATE**  
Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill as introduced appears to remedy one isolated incident. Its impact would limit important recreational opportunities to view wildlife, put legitimate shining at risk and would affect (as an unintended consequence) the summer loon survey in the Lakes Region. Vote 19-0.

**HB 280-FN**, establishing a point system for the annual moose permit lottery. **RE-REFER TO COMMITTEE**

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: After extensive testimony from constituents, fish and game club and sportsmen, the committee felt the bill had merit and should be studied further. Vote 19-0.

### REGULAR CALENDAR

**CACR 8**, relating to legislative review of any broad-based tax enacted after January 1, 1999. Providing that any broad-based tax enacted after January 1, 1999 shall be subject to legislative review every 2 years. **INEXPEDIENT TO LEGISLATE**

Rep. Susan W. Almy for Finance: This bill provided for a well-intended review of broad-based taxes. However, a biennial repeal of such taxes used as the primary source of education funding in the state would put a severe burden of uncertainty on our school districts, and force future legislators to devote time to reviewing the issue whether or not there is a felt need to do so. The committee believes the needed protection exists in the ability of any legislator to put in a bill each biennium to repeal any tax. Vote 18-0.

Adopted.

**CACR 9**, relating to certain statewide taxes dedicated to funding public education. Providing that all revenues raised by a state income tax, statewide property tax, sales tax, or gross receipts tax shall be dedicated to funding public education. **INEXPEDIENT TO LEGISLATE**

Rep. Susan W. Almy for Finance: The committee may well want to dedicate the funding source passed for the Claremont solution using a CACR. Two CACR's were received for this purpose, and CACR 10 has been held because it focuses more closely on a single revenue source. Vote 24-1.

Adopted.

**HB 105**, requiring legislative review and reauthorization of any state broad-based tax every 2 years. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: This bill required legislative review and possible reauthorization of any state-imposed broad-based tax adopted on or after January 1, 1999. Any tax not re-authorized would be automatically repealed two years following its effective date. This bill, while well intentioned, is unnecessary as stand-alone legislation. To the extent thought appropriate, these concepts could be included in any final Claremont educational bill. Vote 18-0.

Adopted.

**HB 106-L**, replacing temporarily the rate of the annual school tax with a rate to be set by the commissioner of the department of revenue administration and repealing the provision of the tobacco tax chapter that prohibits a direct state tax as long as the tobacco tax is in effect. **INEXPEDIENT TO LEGISLATE**

Rep. O. Alan Thulander for Finance: This bill would replace the current state school property tax rate of \$3.50 with a rate to be determined by the Commissioner of Revenue Administration. It also repeals RSA 78:20 which prohibits a direct state property tax as long as a tobacco tax is in effect. Since both of these issues must be addressed should a state-wide property tax be proposed as part of the Claremont solution, the bill was deemed unnecessary. Vote 24-0.

Rep. Alger spoke against.

Rep. Thulander spoke in favor.

Adopted.

**HB 107-FN-A**, establishing a tax review and adjustment study commission and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. William S. Belvin for Finance: The bill's purpose is to form a commission to study the impact of any school funding decisions made by April 1, 1999 on the balance of the existing state tax

structure. The study and recommendations include an interim report on December 1, 1999 and a final report on April 1, 2000. \$50,000 is appropriated to fund the commission's work. The study's focus is on who pays which tax and its impact on the economy, jobs, family and community. The bill has merit in that there will almost certainly be unintended consequences of our Claremont funding choices, as well as clarifications and adjustments. The bill may be a good vehicle to deal with such issues. However the bill's tight timing does not allow Claremont repercussions to be sufficiently developed or fully understood. Consequently the committee unanimously voted for re-refer. Vote 18-0.

Adopted.

**HB 110-FN-L**, authorizing each town and city to determine its methods of raising revenue to fulfill its obligation to fund public elementary and secondary education. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Finance: While the committee appreciates the efforts of the sponsors to provide local communities with maximum control over their revenue sources, constitutional problems could arise. If, for example, each city and town chose to continue to use a local property tax to fund education, the Court's proportional requirement would not be met. Beyond the constitutional question, the committee fears that this method of raising revenue would leave us with a confusing mix of taxes in any given area. For example, Manchester could have an income tax, Bedford a sales tax, Londonderry an increased gasoline tax, and Derry a consumption tax, etc. Additionally, there's a real danger that this system would pit town against town. A shopping hub, for example, could conceivably raise necessary money by implementing a sales tax which would be assessed to not only its own citizens but also to those of surrounding towns which might have to use a property tax. The resulting double or triple taxation would be unfair. Vote 18-0.

Rep. Mirski spoke against.

Reps. Vaillancourt and Burling spoke in favor.

Rep. Alger moved Re-commit to Committee.

Rep. Kurk spoke against.

Rep. Alger requested a roll call; sufficiently seconded.

The question being the motion to Re-commit to Committee.

**YEAS 50 NAYS 302**

**YEAS 50**

**BELKNAP**

Boyce, Robert  
Wendelboe, Francine

Johnson, James

Rice, Thomas

Rosen, Ralph

**CARROLL**

Babson, David, Jr

Dickinson, Howard

Howard, Godfrey

Torresen, Gary

**CHESHIRE**

None

**COOS**

Pratt, Leighton

**GRAFTON**

Alger, John  
Hall, David  
Mirski, Paul

Brothers, Richard  
Harmon, Hobart  
Phinney, William

Cobb, John  
Hinman, Harry  
Weber, Phil

Gilman, G Michael  
MacNeil, Allen

**HILLSBOROUGH**

Beaupre, Roland  
Hall, Betty  
Martel, Andre  
White, Donald

Christiansen, Lars  
Jean, Loren  
Martin, Mary

Desmarais, Vivian  
Lefebvre, Roland  
McRae, Karen

Fenton, James  
Leishman, Peter  
Wall, Nancy

**MERRIMACK**

Kennedy, Richard	Marple, Richard	Soltani, Tony
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**ROCKINGHAM**

Beaulieu, Jon	Clark, Vivian	Dalrymple, Janeen	Dolan, Richard
Langley, Jane	Mikowski, Walter	Quandt, Marshall	Raynowska, Bernard
Sapareto, Frank	Stickney, Nancy	Varrell, Thomas	Weyler, Kenneth

**STRAFFORD**

Bickford, David

**SULLIVAN**

None

**NAYS 302****BELKNAP**

Boriso, Thomas	Czech, Stanley	Holbrook, Robert	Lawton, David
Lawton, Robert	Millham, Alida	Pilliod, James	Salatiello, Thomas
Thomas, John	Turner, Robert	Wood, Jane	

**CARROLL**

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Roberts, William
Robertson, Timothy	Rose, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Landers, Dana	Mears, Edgar	Merrill, Gerald
Rodrigue, Robert	Tholl, John, Jr		

**GRAFTON**

Akins, Ralph	Almy, Susan	Dudley, Terri	Eaton, Stephanie
Guest, Robert	Johnson, Gary	LaMott, Paul	Marshall, Gene
Nordgren, Sharon	Scanlan, David	Solow, Martha	Ward, Brien

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Burkush, James	Calawa, Leon, Jr	Chabot, Robert
Clegg, Robert, Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Curran, James	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A	Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton
Emerton, Lawrence	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary

Goulet, Maurice  
 Herman, Richard  
 Keye, Harvey  
 LaPorte, George  
 Lessard, Rudy  
 McCarthy, William  
 McGough, Tim  
 Messier, Irene  
 O'Connell, Timothy  
 Pepino, Leo  
 Reidy, Frank  
 Thulander, O Alan  
 Withee, Dennis

Haettenschwiller, Alphonse  
 Holley, Sylvia  
 Kony, Christine  
 LaRose, Richard  
 Lozeau, Donnalee  
 McCarty, Winston  
 Melcher, Harold  
 Milligan, Robert  
 O'Hearn, Jane  
 Perkins, Paul  
 Rowe, Robert  
 Vaillancourt, Steve  
 Hansen, Herbert  
 Hunter, Bruce  
 Kurk, Neal  
 Lasky, Bette  
 Lynde, Harold  
 McDonald, James, Sr  
 Mendenhall, Leslie  
 Moran, Edward  
 Ouellette, Dean  
 Peterson, Andrew  
 Sarette, John  
 White, John

Herman, Keith  
 Johnson, Lionel  
 L'Heureux, Robert  
 Leonard, Peter  
 MacGillivray, Jeffrey  
 McDonough-Wallace, Alice  
 Mercer, Robert  
 Murphy, Robert  
 Pappas, Marc  
 Reeves, Sandra  
 Sargent, Maxwell  
 Williams, Carol

### MERRIMACK

Anderson, Eric  
 Daneault, Gabriel  
 French, Barbara  
 Hoadley, Elizabeth  
 Lockwood, Priscilla  
 Nichols, Avis  
 Reardon, Tara  
 Virtue, Carolyn  
 Whittemore, James

Bouchard, Candace  
 Davis, Francis  
 Gile, Mary  
 Jacobson, Alf  
 Marshall, Kenneth  
 Owen, Derek  
 Rodd, Beth  
 Wallin, Jean  
 Yeaton, Charles  
 Chase, George  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Lavoie, Gerard  
 Maxfield, Roy  
 Potter, Frances  
 Seldin, Gloria  
 Wallner, Mary Jane

Crosby, Toni  
 Fortnam, Janet  
 Hess, David  
 Leber, William  
 Moore, Carol  
 Poulin, Dave  
 St Cyr, Gerard  
 Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
 Blanchard, MaryAnn  
 Clark, Martha  
 DiFruscia, Anthony  
 Fesh, Robert  
 Francoeur, Sheila  
 Hamel, Albert  
 Kane, Cecelia  
 Kobel, Rudolph  
 Major, Norman  
 Nowe, Mary Lou  
 O'Neil, Michael  
 Putnam, Ed, II  
 Ruffner, Walter  
 Shultis, Elizabeth  
 Tufts, J Arthur  
 Welch, David

Arndt, Janet  
 Bridle, Russell  
 Cooney, Richard  
 Dowling, Patricia  
 Flanagan, Natalie  
 Gibbons, Paul  
 Henderson, Warren  
 Katsakiores, George  
 Langone, John  
 McKinney, Betsy  
 Nowe, Ronald  
 Packard, Sherman  
 Rabideau, Marie  
 Sabella, Norma  
 Splaine, James  
 Vaughn, Charles  
 Whittier, John  
 Belanger, Ronald  
 Case, Margaret  
 Cox, Russell  
 Downing, Michael  
 Flanders, David  
 Gleason, John  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Morse, Charles  
 Noyes, Richard  
 Pantelakos, Laura  
 Reardon, Neil  
 Schanda, Frank  
 Stone, Joseph  
 Verani, Giovanni  
 Zolla, William

Bishop, Franklin  
 Christie, Andrew, Jr  
 Dearborn, Bruce  
 Dunham, Vivian  
 Flanders, John, Sr  
 Grant, Kenneth  
 Johnson, Robert  
 Kelley, Jane  
 Lovejoy, Marian  
 Norelli, Terie  
 O'Keefe, Patricia  
 Pitts, Jacqueline  
 Rubin, George  
 Shelton, Richard  
 Stritch, C Donald  
 Weare, Everett

### STRAFFORD

Berube, Roger  
 Cossette, Larry  
 Estabrook, Iris  
 Johnson, Nancy  
 Lent, Donald  
 Pelletier, Arthur  
 Snyder, Clair  
 Torr, Franklin  
 Wall, Janet

Brennan, William  
 DeChane, Marlene  
 Gilmore, Gary  
 Kaen, Naida  
 Lundborn, Raymond  
 Rogers, Rose Marie  
 Spang, Judith  
 Twardus, Joseph  
 Woods, Phyllis  
 Brown, George  
 Domingo, Baldwin  
 Grassie, Anne  
 Keans, Sandra  
 McKinley, Robert  
 Rollo, Michael  
 Spear, Barbara  
 Vachon, Dennis

Callaghan, Frank  
 Dunlap, Patricia  
 Heon, Richard  
 Knowles, William  
 Musler, George  
 Smith, Marjorie  
 Taylor, Kathleen  
 Vincent, Francis

## SULLIVAN

Burling, Peter  
Kibbey, David  
Tuthill, John

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas, Jr  
Phinizy, James  
Young, David

Jones, Constance  
Robb-Theroux, Amy

and the motion failed.

Rep. Larrabee did not vote and wished to be recorded in favor.

## MOTION TO LAY ON THE TABLE

Rep. Mirski moved that **HB 110-FN-L**, authorizing each town and city to determine its methods of raising revenue to fulfill its obligation to fund public elementary and secondary education be laid on the table.

The motion failed.

The question now being the adoption of the committee report.

Adopted.

## MOTION TO SPECIAL ORDER

Rep. Bradley moved that **HB 114-FN-A-L**, establishing a local property tax education homestead allowance against school taxes on residential real estate, establishing a fund to reimburse municipalities for such exemptions, and making an appropriation therefor, be made a Special Order for Tuesday, February 16, 1999 in the Regular Calendar order.

Reps. Kurk and Nordgren spoke in favor.

Adopted.

## REGULAR CALENDAR (CONT'D.)

**HB 115-FN-L**, relative to an interim plan authorizing an annual tax for the support of a minimally adequate education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: The bill sets up an interim school funding plan for a year by establishing an adequate education as completion of 4th grade, setting school tax assessment at 3.50 per \$1000. It would cost \$357,987,211, derived by multiplying 65,276 students by cost per pupil of \$5,482. The committee applauds the sponsor's effort at a temporary solution to funding an adequate education. Nonetheless, the committee wishes to meet the Supreme Court's requirement for all grades, K-12 and avoid continuing litigation. Vote 22-3.

Adopted.

**HB 118-FN-A-L**, dedicating revenues resulting from future increases in the meals and rooms tax for purposes of funding public education. **INEXPEDIENT TO LEGISLATE**

Rep. Franklin G. Torr for Finance: This bill would dedicate any increase in the meals and rooms tax to funding primary and secondary education. Legislation in 1993, SB 170, Chapter 352, has a provision to distribute revenue from the meals and rooms tax, sixty percent to the state and forty percent to cities and towns by a progression formula. The committee did not want to interfere with this distribution formula nor is there anticipation of a meals and rooms tax increase. Vote 25-0.

Adopted.

**HB 119-FN-A**, establishing a 3 percent sales tax. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: The committee appreciates the sponsor's efforts in bringing forward a proposal for a straightforward sales tax levied at a rate of 3% to fund public education. However, as it labors to reduce the total number of education funding bills currently under consideration, the committee has found that an alternative tax proposal (HB 116, a consumption tax) provides a preferred and more comprehensive vehicle for further consideration. Additionally, as a "stand alone" proposal, the plan would not solve our current crisis in that imposition of the tax would only generate \$295.6 million. Unless the bill's proposed tax rate is at least doubled (6%), or trebled (9%) (a prospect that the committee does not endorse), this proposal must only be considered in concert with other funding proposals. That task is more effectively achieved in HB 116. Vote 25-0.

Adopted.

**HB 120-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE** Rep. Jeffrey C. MacGillivray for Finance: After lengthy discussion with the sponsor on both the original bill and a proposed amendment, the committee concluded that it would prefer to use HB 109 as a vehicle for any income taxation legislation. Therefore, this bill is no longer necessary. We thank the sponsor for his time and his suggestions, which we will consider in conjunction with other income tax proposals. Vote 22-1.

Rep. Phinizy spoke against.  
Rep. Jacobson spoke against and yielded to questions.  
Reps. MacGillivray and Alukonis spoke in favor.  
Rep. Lyman requested a roll call; sufficiently seconded.  
The question being the adoption of the report.

**YEAS 211 NAYS 141**

**YEAS 211**

**BELKNAP**

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Lawton, David	Lawton, Robert	Rosen, Ralph	Salatiello, Thomas
Thomas, John	Turner, Robert	Wendelboe, Francine	

**CARROLL**

Chandler, Gene	Dickinson, Howard	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsy
Torresen, Gary			

**CHESHIRE**

Burnham, Daniel	Lerandeau, Alfred	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

**COOS**

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Eaton, Stephanie	Gilman, G Michael	Harmon, Hobart
Hinman, Harry	Johnson, Gary	LaMott, Paul	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Scanlan, David	Ward, Brien
Weber, Phil			

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Baroody, Benjamin	Batula, Peter
Beaupre, Roland	Belvin, William	Brundige, Robert	Buckley, Raymond
Burkush, James	Calawa, Leon, Jr	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Curran, James	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Gagnon, Eugene	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Kurk, Neal	L'Heureux, Robert	LaPorte, George	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
McDonough-Wallace, Alice	McGough, Tim	Mendenhall, Leslie	Mercer, Robert



Milligan, Robert  
Ouellette, Dean  
Reeves, Sandra  
Thulander, O Alan  
Withee, Dennis

Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Vaillancourt, Steve

O'Connell, Timothy  
Pepino, Leo  
Sarette, John  
Wall, Nancy

O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
White, Donald

### MERRIMACK

Anderson, Eric  
Hess, David  
Leber, William  
Poulin, Dave

Davis, Francis  
Hoadley, Elizabeth  
Marple, Richard  
Soltani, Tony

Feuerstein, Martin  
Kennedy, Richard  
Nichols, Avis  
Whalley, Michael

Fortnam, Janet  
Lavoie, Gerard  
Potter, Frances

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Dalrymple, Janeen  
Dunham, Vivian  
Flanders, John, Sr  
Grant, Kenneth  
Johnson, Robert  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Rabideau, Marie  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

Beaulieu, Jon  
Case, Margaret  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, George  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Raynowska, Bernard  
Sapareto, Frank  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Christie, Andrew, Jr  
Dowling, Patricia  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed, II  
Reardon, Neil  
Stickney, Nancy  
Verani, Giovanni  
Whittier, John

Bishop, Franklin  
Cox, Russell  
Downing, Michael  
Flanders, David  
Gleason, John  
Hutchinson, Rebecca  
Kobel, Rudolph  
Mikowski, Walter  
Noyes, Richard  
Quandt, Marshall  
Rubin, George  
Stone, Joseph  
Weare, Everett  
Zolla, William

### STRAFFORD

Cossette, Larry  
McKinley, Robert  
Vincent, Francis

Estabrook, Iris  
Musler, George  
Woods, Phyllis

Johnson, Nancy  
Torr, Franklin

Kaen, Naida  
Tsiros, William

### SULLIVAN

Cloutier, John

Young, David

### NAYS 141

### BELKNAP

Johnson, James  
Wood, Jane

Millham, Alida

Pilliod, James

Rice, Thomas

### CARROLL

Babson, David, Jr

Philbrick, Donald

### CHESHIRE

Batchelder, Robert  
Lynch, Margaret  
Meador, David  
Richardson, Barbara

Blaisdell, Michael  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy

DePecol, Benjamin  
Manning, Joseph  
Pratt, Irene  
Russell, Ronald

Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

### COOS

Glines, Sara

Landers, Dana

Rodrigue, Robert

### GRAFTON

Dudley, Terri  
Phinney, William

Guest, Robert  
Solow, Martha

Hall, David

Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Bergeron, Lucien
Bergin, Peter	Bruno, Pierre	Craig, James	Daigle, Robert
Dwyer, Paul, Sr	Franks, Suzan	Garrish, Linda	Ginsburg, Ruth
Hall, Betty	Herman, Richard	Keye, Harvey	Konys, Christine
Lasky, Bette	Lynde, Harold	Martin, Mary	McCarthy, William
McDonald, James, Sr	McRae, Karen	Melcher, Harold	Messier, Irene
Murphy, Robert	Perkins, Paul	Reidy, Frank	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Owen, Derek	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Clark, Vivian
Cooney, Richard	Dearborn, Bruce	Dolan, Richard	Kane, Cecelia
Kelley, Jane	Langley, Jane	Langone, John	Lovejoy, Marian
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Sabella, Norma	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Spaine, James	Stritch, C Donald	Vaughn, Charles	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Keans, Sandra	Knowles, William
Lent, Donald	Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis	Wall, Janet		

**SULLIVAN**

Burling, Peter	Donovan, Thomas, Jr	Jones, Constance	Kibbey, David
Leone, Richard	Phiniza, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			

and the report was adopted.

Rep. Dudley voted Nay and intended to vote Yea.

Rep. Larrabee did not vote and wished to be recorded in favor.

**HB 121-FN-A-L**, relating to the funding of education through the establishment of video lotteries at racetracks and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: Licensed video lottery machines and gaming are authorized by this bill for installation and use at the state's four existing pari-mutuel racetracks. No other locations are authorized. Local communities must adopt the bill's provisions to establish these video lottery sites. The financial provisions place education funding last after distributions to support the racing industry and affiliated organizations. The fiscal note shows the net education funds from 2,000 machines to be \$29.2 million. This figure might increase if the revenue per machine and number of authorized machines expand beyond the current estimate.

A majority of the committee believes that the potential social costs and consequences of expanded gambling were not adequately taken into account. The bill was opposed by the NH Attorney General and the Chiefs of Police among others who pointed out the potential for increased crime related to this form of gambling.

There are other financial concerns, too. Existing businesses, such as restaurants that already pay meals tax, might suffer as consumers' discretionary spending moves toward video lotteries and away from existing businesses. It is also clear that Massachusetts would be much more likely to establish similar video lotteries to keep their residents' money at home.

The creation of four sanctioned monopolies to the exclusion of any other potential licenses or applicants would injure competition and is unfair. Finally, any incremental gambling legislation should give primacy to generating education revenue as its first objective, not last Vote 19-6.

Adopted.

### **MOTION TO INDEFINITELY POSTPONE**

Rep. Boyce moved that **HB 121-FN-A-L**, relating to the funding of education through the establishment of video lotteries at racetracks and making an appropriation therefor, be indefinitely postponed.

**Clerk's note:** At this point, Rep. Wallin moved to table the pending question, and that motion was adopted on a division vote. However, since the pending question was Rep. Boyce's motion to indefinitely postpone HB 121, the motion to table is not permitted under the rules of the House (House Rule 10). Without objection the motion to table and the resulting division vote were removed from the record of the day's proceedings.

Rep. Boyce withdrew his motion.

### **REGULAR CALENDAR (CONT'D.)**

**HB 122-FN-A-L**, establishing a 3 percent personal income tax on income earned in New Hampshire to fund public education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**  
Rep. Norman L. Major for Finance: This bill establishes a 3 percent tax on income earned in New Hampshire as another source of funding for education and also establishes a dedicated education trust fund to hold all sweepstakes proceeds, income tax revenues and all other appropriated funds for education. There are some good ideas in this bill, but the committee believes that if an income tax is to go forward, the proposal in HB 109 is a better approach. Vote 23-0.

Adopted.

**HB 123-FN-A-L**, establishing a statewide flat property tax as a source of funding for public education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**  
Rep. Jeffrey C. MacGillivray for Finance: This bill to establish a statewide property tax contains many good and valuable ideas; the committee thanks its sponsor. The committee has chosen to keep HB 108, a bill with more provisions and with more sponsors, as a vehicle for a statewide property tax. Therefore, HB 123 can be reported inexpedient to legislate. Vote 25-0.

Adopted.

**HB 124-FN-A-L**, establishing a one percent personal income tax to fund public education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: This bill establishes a one percent personal income tax as a funding source for education, which would be added to Sweepstakes and other general fund revenues. These monies would be deposited in a newly created and dedicated education fund, for distribution to school districts. The interest and dividends tax is repealed. After deductions and adjustments, the revised fiscal note shows a net amount of \$52 million would be raised. The bill also establishes an education adequacy grant process based on \$5,000 per elementary and high school student which would appropriate \$1.076 billion in FY 2001. This amount would grow each year thereafter.

The bill does not yield a Claremont solution due to the large differences in revenue and appropriation, so the committee chose to use other bills to carry forward income tax proposals. However, the bill has raised a useful discussion of the potential cross border (NH and MA) treatment of income taxes, which may be applied to other legislation. Vote 22-3.

Reps. William McCarthy and Robertson spoke against.

Rep. Belvin spoke in favor and yielded to questions.

Rep. McCarthy requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 241 NAYS 113****YEAS 241****BELKNAP**

Boriso, Thomas  
Johnson, James  
Pilliod, James  
Thomas, John

Boyce, Robert  
Lawton, David  
Rice, Thomas  
Turner, Robert

Czech, Stanley  
Lawton, Robert  
Rosen, Ralph  
Wendelboe, Francine

Holbrook, Robert  
Millham, Alida  
Salatiello, Thomas

**CARROLL**

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Torresen, Gary

Howard, Godfrey  
Mock, Henry

**CHESHIRE**

Burnham, Daniel  
Rose, William

Lerandeau, Alfred  
Royce, H Charles

Pratt, Irene  
Smith, Edwin

Roberts, William

**COOS**

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

Hawkinson, Marie  
Pratt, Leighton

Horton, Lynn  
Tholl, John, Jr

**GRAFTON**

Akins, Ralph  
Cobb, John  
Hall, David  
LaMott, Paul  
Phinney, William

Alger, John  
Dudley, Terri  
Ham, Bonnie  
MacNeil, Allen  
Scanlan, David

Almy, Susan  
Eaton, Stephanie  
Harmon, Hobart  
Marshall, Gene  
Ward, Brien

Brothers, Richard  
Gilman, G Michael  
Hinman, Harry  
Mirski, Paul  
Weber, Phil

**HILLSBOROUGH**

Ahern, Richard  
Baroody, Benjamin  
Bergin, Peter  
Christiansen, Lars  
Cote, Peter  
Daniels, Gary  
Drabinowicz, A  
Fenton, James  
Ford, Nancy  
Goulet, Maurice  
Holley, Sylvia  
L'Heureux, Robert  
Lessard, Rudy  
McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Perkins, Paul  
Sargent, Maxwell  
White, Donald

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Clegg, Robert, Jr  
Coughlin, Pamela  
Desmarais, Vivian  
Durham, Susan  
Fields, Dennis  
Foster, Linda  
Hall, Betty  
Hunter, Bruce  
LaRose, Richard  
Lozeau, Donnalee  
McGough, Tim  
Milligan, Robert  
Ouellette, Dean  
Peterson, Andrew  
Thulander, O Alan  
Withe, Dennis

Andrews, Frederick  
Beaupre, Roland  
Calawa, Leon, Jr  
Clemons, Jane  
Curran, James  
Desrosiers, William  
Dyer, Merton  
Fletcher, Richard  
Gagnon, Eugene  
Hansen, Herbert  
Jean, Loren  
Leishman, Peter  
MacGillivray, Jeffrey  
Melcher, Harold  
Moran, Edward  
Pappas, Marc  
Reeves, Sandra  
Vaillancourt, Steve

Arnold, Thomas, Jr  
Belvin, William  
Chabot, Robert  
Cote, David  
Dalianis, Griffin  
Dokmo, Cynthia  
Emerton, Lawrence  
Flora, Kathleen  
Gorman, Mary  
Herman, Keith  
Kurk, Neal  
Leonard, Peter  
Martel, Andre  
Mendenhall, Leslie  
O'Connell, Timothy  
Pepino, Leo  
Rowe, Robert  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Kennedy, Richard  
Marple, Richard  
Poulin, Dave  
Whalley, Michael

Chase, George  
Gile, Mary  
Larrabee, David, Sr  
Marshall, Kenneth  
Rodd, Beth

Daneault, Gabriel  
Hess, David  
Lavoie, Gerard  
Maxfield, Roy  
Seldin, Gloria

Davis, Francis  
Hoadley, Elizabeth  
Leber, William  
Nichols, Avis  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Case, Margaret	Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Grant, Kenneth
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	McKinney, Betsy	Mikowski, Walter
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline	Putnam, Ed, II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Rubin, George	Ruffner, Walter	Sapareto, Frank	Schanda, Frank
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Vaughn, Charles	Verani, Giovanni	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Cossette, Larry	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Kaen, Naida	Knowles, William
McKinley, Robert	Musler, George	Rogers, Rose Marie	Rollo, Michael
Spear, Barbara	Torr, Franklin	Tsiros, William	Vincent, Francis
Wall, Janet	Woods, Phyllis		

**SULLIVAN**

Jones, Constance	Kibbey, David	Robb-Theroux, Amy
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**NAYS 113****BELKNAP**

Wood, Jane

**CARROLL**

Babson, David, Jr

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meader, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

**COOS**

Glines, Sara	Landers, Dana	Rodrigue, Robert
--------------	---------------	------------------

**GRAFTON**

Guest, Robert	Johnson, Gary	Nordgren, Sharon	Solow, Martha
---------------	---------------	------------------	---------------

**HILLSBOROUGH**

Arthur, Rose	Bergeron, Lucien	Bruno, Pierre	Buckley, Raymond
Burkush, James	Craig, James	Daigle, Robert	Dwyer, Paul, Sr
Franks, Suzan	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Haettenschwiller, Alphonse	Herman, Richard	Johnson, Lionel	Keye, Harvey
Kony, Christine	LaPorte, George	Lasky, Bette	Lefebvre, Roland
Lynde, Harold	Martin, Mary	McCarthy, William	McDonald, James, Sr
McDonough-Wallace, Alice	McRae, Karen	Messier, Irene	Murphy, Robert
Reidy, Frank	Sarette, John	Simon, Anthony	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Crosby, Toni	Fortnam, Janet	French, Barbara
Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Potter, Frances	Reardon, Tara	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Clark, Martha
Kane, Cecelia	Kelley, Jane	Langley, Jane	Lovejoy, Marian
Norelli, Terie	O'Keefe, Patricia	Sabella, Norma	Shelton, Richard
Shultis, Elizabeth	Splaine, James		

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	DeChane, Marlene
Gilmore, Gary	Grassie, Anne	Heon, Richard	Johnson, Nancy
Keans, Sandra	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Pelletier, Marsha	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis	

**SULLIVAN**

Cloutier, John	Donovan, Thomas, Jr	Leone, Richard	Phinizy, James
Tuthill, John	Wiggins, Celestine		

and the report was adopted.

Rep. David Young did not vote and wished to be recorded in favor.

**RECESS****(Speaker Sytek in the Chair)****REGULAR CALENDAR (CONT'D.)**

**HB 269-L**, relative to the disbursement of foundation aid. **INEXPEDIENT TO LEGISLATE**

Rep. Susan B. Durham for Education: This bill would require that foundation aid be paid directly to the treasurer of a city or town. The resolution to the Claremont II decision will change foundation aid as we know it. The distribution method for local school aid will be, therefore, addressed in the Claremont solution. This bill is not needed. Vote 16-2.

Adopted.

**CACR 3**, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. **INEXPEDIENT TO LEGISLATE**

Rep. Lynn C. Horton for Election Law: The committee believes that the attorney general would spend too much of his time trying to get elected instead of doing his job. Vote 17-0.

Adopted.

**CACR 4**, relating to the election of the attorney general by the people. Providing that the attorney general shall be elected by the people every 2 years in the state general election. **INEXPEDIENT TO LEGISLATE**

Rep. Lynn C. Horton for Election Law: The committee found that this same bill has been turned down by the House 7 times in the past few years. It makes the office too political. Vote 17-0.

Rep. Kennedy spoke against.

Rep. Arndt spoke in favor.

On a division vote, 276 members having voted in the affirmative and 35 in the negative, the report was adopted.

Rep. Withee did not vote and wished to be recorded in favor.

**CACR 5**, relating to: voting and elective rights of incarcerated felons. Providing that no felon, from the time of conviction until final discharge of sentence, shall vote in an election, become a candidate, or hold public office. **RE-REFER TO COMMITTEE**

Rep. Janet S. Arndt for Election Law: This CACR adds felon to the reasons for removing the right to vote in New Hampshire. The committee felt that more study was needed before making this change. Vote 17-0.

Adopted.

**HB 74**, relative to absentee voter lists. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Election Law: The committee felt that further restricting the public's right to know of those voters who requested absentee ballots would not stand up in court and would be a bad policy to institute. Vote 12-6.

Adopted.

**HB 76**, relative to voter checkout and depositing ballots. **INEXPEDIENT TO LEGISLATE**

Rep. Natalie S. Flanagan for Election Law: The committee believes that the laws should be uniform all over the state and checkout procedures should continue to be used where there are paper ballots. Vote 14-3.

Adopted.

**HB 240**, prohibiting the reintroduction of wolf populations to the state of New Hampshire. **MAJORITY: OUGHT TO PASS MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Richard E. Fletcher for the Majority of Wildlife and Marine Resources: The proponents of this bill are opposed to the re-introduction of wolves to New Hampshire, not opposed to the wolf returning to New Hampshire naturally. Much discussion and debate has been held on this issue as recently as last fall's program at the AMC (Appalachian Mountain Club) Headquarters in Pinkham Notch. The owners of the public land in the North Country that would be the location of any re-introduction effort as well as the majority of North Country citizens are opposed to wolf re-introduction as evidenced by the more than 2,000 signatures gathered in support of this bill. The New Hampshire Fish and Game Department, the Fish and Game Commission, New Hampshire Farm Bureau, New Hampshire Timberland Owners, New Hampshire Wildlife Federation, and many sporting clubs all testified in support of HB 240. Naturally return, fine. Artificially re-introduced, no. Vote 12-7.

Rep. Dennis F. Abbott for the Minority of Wildlife and Marine Resources: This bill is truly unnecessary legislation. The fact that the Endangered Species Act requires the feasibility of re-introducing wolves to the northeast be explored is not cause to enact policy when no program or action is proposed. Passing this legislation only precludes our state agencies from participating in the debate. While agreeing that we may not have the necessary habitat nor the social conditions to support their presence, it is important that we maintain a dialogue with those interested parties and not be viewed as being closed minded. Additionally, testimony offered indicated that their presence would not interfere with current forestry practices while, in fact, timber harvesting creates habitat preferred by wolves and other animals. At the very least we should cast aside our fears and misconceptions and no longer be intimidated by an idea and allow the process of discussion to proceed when and if an action of some type is actually proposed.

Rep. Abbott spoke against and yielded to questions.

Rep. McKinney spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 223 NAYS 115**

**YEAS 223**

**BELKNAP**

Boriso, Thomas

Lawton, David

Rice, Thomas

Boyce, Robert

Lawton, Robert

Thomas, John

Czech, Stanley

Millham, Alida

Turner, Robert

Holbrook, Robert

Pilliod, James

Wendelboe, Francine

**CARROLL**

Babson, David, Jr  
 Kenney, Joseph  
 Patten, Betsey

Bradley, Jeb  
 Lyman, L Randy  
 Philbrick, Donald

Chandler, Gene  
 MacDonald, Kenneth  
 Torresen, Gary

Dickinson, Howard  
 Mock, Henry

**CHESHIRE**

DePecol, Benjamin  
 Pratt, Irene  
 Smith, Edwin

Lerandeau, Alfred  
 Roberts, William  
 Zerba, Roger

Lynch, Margaret  
 Rose, William

Meador, David  
 Royce, H Charles

**COOS**

Davis, Perley  
 Landers, Dana  
 Rodrigue, Robert

Glines, Sara  
 Mears, Edgar  
 Tholl, John, Jr

Guay, Lawrence  
 Merrill, Gerald

Horton, Lynn  
 Pratt, Leighton

**GRAFTON**

Akins, Ralph  
 Eaton, Stephanie  
 Harmon, Hobart  
 Marshall, Gene  
 Solow, Martha

Alger, John  
 Gilman, G Michael  
 Hinman, Harry  
 Mirski, Paul  
 Ward, Brien

Brothers, Richard  
 Hall, David  
 LaMott, Paul  
 Phinney, William  
 Weber, Phil

Dudley, Terri  
 Ham, Bonnie  
 MacNeil, Allen  
 Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
 Batula, Peter  
 Brundige, Robert  
 Clegg, Robert, Jr  
 Daniels, Gary  
 Dwyer, Paul, Sr  
 Fletcher, Richard  
 Franks, Suzan  
 Herman, Keith  
 Johnson, Lionel  
 LaRose, Richard  
 Lozeau, Donnalee  
 McRae, Karen  
 Milligan, Robert  
 Pepino, Leo  
 Sarette, John  
 Wall, Nancy

Andrews, Frederick  
 Beaupre, Roland  
 Bruno, Pierre  
 Cote, Peter  
 Desmarais, Vivian  
 Dyer, Merton  
 Flora, Kathleen  
 Gagnon, Eugene  
 Holley, Sylvia  
 Kurk, Neal  
 Lefebvre, Roland  
 MacGillivray, Jeffrey  
 Melcher, Harold  
 O'Connell, Timothy  
 Peterson, Andrew  
 Sargent, Maxwell  
 White, Donald

Arnold, Thomas, Jr  
 Belvin, William  
 Calawa, Leon, Jr  
 Daigle, Robert  
 Dokmo, Cynthia  
 Emerton, Lawrence  
 Ford, Nancy  
 Ginsburg, Ruth  
 Hunter, Bruce  
 L'Heureux, Robert  
 Leonard, Peter  
 McCarty, Winston  
 Mercer, Robert  
 O'Hearn, Jane  
 Reeves, Sandra  
 Tate, Joan  
 Withee, Dennis

Baroody, Benjamin  
 Bergeron, Lucien  
 Christiansen, Lars  
 Dalianis, Griffin  
 Durham, Susan  
 Fenton, James  
 Foster, Linda  
 Goulet, Maurice  
 Jean, Loren  
 LaPorte, George  
 Lessard, Rudy  
 McGough, Tim  
 Messier, Irene  
 Ouellette, Dean  
 Rowe, Robert  
 Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
 Hess, David  
 Leber, William  
 Maxfield, Roy  
 Whittemore, James

Davis, Francis  
 Hoadley, Elizabeth  
 Lockwood, Priscilla  
 Nichols, Avis

Feuerstein, Martin  
 Kennedy, Richard  
 Marple, Richard  
 Poulin, Dave

Hager, Elizabeth  
 Lavoie, Gerard  
 Marshall, Kenneth  
 Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
 Bridle, Russell  
 Cooney, Richard  
 DiFruscia, Anthony  
 Dunham, Vivian  
 Flanders, John, Sr  
 Grant, Kenneth

Beaulieu, Jon  
 Case, Margaret  
 Cox, Russell  
 Dolan, Richard  
 Fesh, Robert  
 Francoeur, Sheila  
 Hamel, Albert

Belanger, Ronald  
 Christie, Andrew, Jr  
 Dalrymple, Janeen  
 Dowling, Patricia  
 Flanagan, Natalie  
 Gibbons, Paul  
 Henderson, Warren

Bishop, Franklin  
 Clark, Vivian  
 Dearborn, Bruce  
 Downing, Michael  
 Flanders, David  
 Gleason, John  
 Hutchinson, Karen



Hutchinson, Rebecca  
Kobel, Rudolph  
Lovejoy, Marian  
Morse, Charles  
Packard, Sherman  
Reardon, Neil  
Stone, Joseph  
Verani, Giovanni  
Whittier, John

Johnson, Robert  
Langley, Jane  
Major, Norman  
Nowe, Mary Lou  
Putnam, Ed, II  
Rubin, George  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Katsakiores, George  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Quandt, Marshall  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

Katsakiores, Phyllis  
Letourneau, Robert  
Mikowski, Walter  
O'Neil, Michael  
Rabideau, Marie  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

### STRAFFORD

Cossette, Larry  
Rollo, Michael  
Tsiros, William

Domingo, Baldwin  
Spear, Barbara  
Wall, Janet

McKinley, Robert  
Taylor, Kathleen  
Woods, Phyllis

Musler, George  
Torr, Franklin

### SULLIVAN

Burling, Peter

Jones, Constance

Leone, Richard

Young, David

### NAYS 115

### BELKNAP

Johnson, James

Rosen, Ralph

Salatiello, Thomas

Wood, Jane

### CARROLL

Howard, Godfrey

### CHESHIRE

Batchelder, Robert  
Lynott, Margaret  
Richardson, Barbara

Blaisdell, Michael  
Manning, Joseph  
Robertson, Timothy

Burnham, Daniel  
Mitchell, McKim  
Russell, Ronald

Doucette, Richard  
Pratt, John

### COOS

Hawkinson, Marie

### GRAFTON

Almy, Susan  
Nordgren, Sharon

Cobb, John

Guest, Robert

Johnson, Gary

### HILLSBOROUGH

Ahern, Richard  
Chabot, Robert  
Drabinowicz, A  
Gorman, Mary  
Konys, Christine  
Martel, Andre  
Mendenhall, Leslie  
Simon, Anthony

Arthur, Rose  
Clemons, Jane  
Fields, Dennis  
Hall, Betty  
Lasky, Bette  
Martin, Mary  
Murphy, Robert  
Vaillancourt, Steve

Buckley, Raymond  
Cote, David  
Garrish, Linda  
Herman, Richard  
Leishman, Peter  
McCarthy, William  
Perkins, Paul  
White, John

Burkush, James  
Curran, James  
Goley, Jeffrey  
Keye, Harvey  
Lynde, Harold  
McDonald, James, Sr  
Reidy, Frank  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Fortnam, Janet  
Larrabee, David, Sr  
Reardon, Tara  
St Cyr, Gerard  
Yeaton, Charles

Chase, George  
French, Barbara  
Moore, Carol  
Rodd, Beth  
Virtue, Carolyn

Crosby, Toni  
Gile, Mary  
Owen, Derek  
Seldin, Gloria  
Wallin, Jean

Daneault, Gabriel  
Jacobson, Alf  
Potter, Frances  
Soltani, Tony  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Kane, Cecelia
Kelley, Jane	Norelli, Terie	O'Keefe, Patricia	Pitts, Jacqueline
Raynowska, Bernard	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles

**STRAFFORD**

Brennan, William	Brown, George	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Spang, Judith
Twardus, Joseph	Vachon, Dennis		

**SULLIVAN**

Cloutier, John	Donovan, Thomas, Jr	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

and the majority report was adopted.

Ordered to third reading.

**HJR 1**, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire. **OUGHT TO PASS**

Rep. Allen K. MacNeil for Wildlife and Marine Resources: Since the majority of the committee followed the recommendations of the New Hampshire Fish and Game Department, Fish and Game Commission, New Hampshire Wildlife Federation, and others in recommending HB 240 Ought to Pass, it naturally follows to support a resolution letting the federal government know our stand on the wolf re-introduction issue. Vote 12-7.

Adopted and ordered to third reading.

**HB 101**, establishing an educational commission to ensure the right of each child to an equal and adequate education. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth Hoadley for Education: To establish an educational commission at this time is not well timed. Members of this committee believe a sound definition of an "adequate" education is already in law. The House is currently working on issues of costing and funding. This legislation requires a report date of November 1, 1999. There is no reason to believe the court would look favorably on extending the April 1, 1999 deadline. Vote 17-0.

Rep. DiFruscia spoke against and yielded to questions.

Rep. Hoadley spoke in favor and yielded to questions.

**MOTION TO LAY ON THE TABLE**

Rep. Belanger moved that **HB 101**, establishing an educational commission to ensure the right of each child to an equal and adequate education be laid on the table.

The motion failed.

The question now being the adoption of the report.

Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 296-FN-L**, consolidating the number of school administrative units to one in each county. **INEXPEDIENT TO LEGISLATE**

Rep. Brien Ward for Education: This bill would eliminate local control of school administrative units (SAU's). The number of school administrative units (SAU's) would decrease from 79 to 10. The estimated fiscal note cost to implement this bill would be \$26.5 million in fiscal year 1999 from the state general fund expenditures. The trend for school districts is to keep control of their schools at a local level. Consolidating SAU's is contrary to needs and testimony we have heard over the years regarding SAU's. Vote 18-0.

**MOTION TO SPECIAL ORDER**

Rep. Rubin moved that **HB 296-FN-L**, consolidating the number of school administrative units to one in each county, be made a Special Order for Tuesday, February 16, 1999 in the Regular Calendar order and spoke in favor.

Rep. O'Hearn spoke against and yielded to questions.

Rep. Rubin requested a roll call; sufficiently seconded.

The question being the motion to Special Order.

**YEAS 65 NAYS 269****YEAS 65****BELKNAP**

Turner, Robert

Wendelboe, Francine

**CARROLL**

Babson, David, Jr

Dickinson, Howard

Lyman, L Randy

MacDonald, Kenneth

**CHESHIRE**

Pratt, John

Rose, William

**COOS**

Pratt, Leighton

Rodrigue, Robert

**GRAFTON**Brothers, Richard  
Weber, Phil

Harmon, Hobart

Mirski, Paul

Scanlan, David

**HILLSBOROUGH**Beaupre, Roland  
Daniels, Gary  
Holley, Sylvia  
Lynde, Harold  
Wall, NancyBergeron, Lucien  
Fenton, James  
Hunter, Bruce  
McRae, Karen  
White, DonaldChristiansen, Lars  
Gorman, Mary  
Jean, Loren  
Messier, Irene  
Withee, DennisCote, David  
Goulet, Maurice  
L'Heureux, Robert  
Tate, Joan**MERRIMACK**

Jacobson, Alf

Lavoie, Gerard

Leber, William

Marple, Richard

**ROCKINGHAM**Beaulieu, Jon  
Dolan, Richard  
Hutchinson, Karen  
O'Keefe, Patricia  
Rubin, George  
Weyler, KennethBishop, Franklin  
Fesh, Robert  
Katsakiores, George  
Pitts, Jacqueline  
Varrell, Thomas  
Whittier, JohnBridle, Russell  
Flanagan, Natalie  
Langley, Jane  
Putnam, Ed, II  
Vaughn, Charles  
Zolla, WilliamDiFruscia, Anthony  
Flanders, David  
Mikowski, Walter  
Quandt, Marshall  
Weare, Everett**STRAFFORD**

Gilmore, Gary

Heon, Richard

Vachon, Dennis

**SULLIVAN**

Young, David

**NAYS 269****BELKNAP**Boriso, Thomas  
Johnson, James  
Pilliod, James  
Thomas, JohnBoyce, Robert  
Lawton, David  
Rice, Thomas  
Wood, JaneCzech, Stanley  
Lawton, Robert  
Rosen, RalphHolbrook, Robert  
Millham, Alida  
Salatiello, Thomas

**CARROLL**

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Mock, Henry	Patten, Betsey	Philbrick, Donald	Torressen, Gary

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	Meador, David	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Roberts, William	Robertson, Timothy	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	

**COOS**

Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Landers, Dana	Mears, Edgar	Merrill, Gerald
Tholl, John, Jr			

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Hinman, Harry	Johnson, Gary	LaMott, Paul
MacNeil, Allen	Marshall, Gene	Nordgren, Sharon	Phinney, William
Solow, Martha	Ward, Brien		

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Belvin, William
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Chabot, Robert	Clegg, Robert, Jr	Clemons, Jane
Cote, Peter	Curran, James	Daigle, Robert	Dalianis, Griffin
Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Hall, Betty	Herman, Keith	Herman, Richard
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
LaPorte, George	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	Martin, Mary	McCarthy, William
McCarty, Winston	McDonald, James, Sr	McGough, Tim	Melcher, Harold
Mendenhall, Leslie	Mercer, Robert	Milligan, Robert	Murphy, Robert
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pepino, Leo
Perkins, Paul	Peterson, Andrew	Reeves, Sandra	Reidy, Frank
Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Thulander, O Alan	Vaillancourt, Steve	White, John	Williams, Carol

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
French, Barbara	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Larrabee, David, Sr	Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Nichols, Avis	Owen, Derek	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Case, Margaret	Christie, Andrew, Jr	Clark, Martha	Clark, Vivian
Cooney, Richard	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Flanders, John, Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Grant, Kenneth
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Morse, Charles	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Verani, Giovanni	Welch, David		

**STRAFFORD**

Brennan, William	Brown, George	Cossette, Larry	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Lent, Donald	McKinley, Robert	Musler, George
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Torr, Franklin	Tsiros, William	Twardus, Joseph
Wall, Janet	Woods, Phyllis		

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas, Jr	Jones, Constance
Leone, Richard	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			

and the motion failed.

Report adopted.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 11, 1999 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 231**, relative to approval of applications in the charter schools pilot program.

**HB 295-FN-L**, relative to alternative kindergarten programs in cooperative school districts.

**HB 60**, relative to meetings of the ballot law commission.

**HB 227**, establishing a committee to study the maintenance of voter checklists.

**HB 228**, clarifying permissible political expenditures.

**HB 284-L**, relative to recount procedures in school districts.

**HB 207-FN-A**, directing the office of state planning to conduct a study of the effects of sprawl in the state and making an appropriation therefor.

**HB 93**, permitting a dam to be constructed on Rand Pond in Goshen.

**HB 248**, relative to the Monadnock advisory commission.

**HB 249**, relative to the membership of the rivers management advisory committee.

**HB 73**, extending the reporting date of the commission to study the effects of and jurisdiction over alternative agricultural products.

**HB 240**, prohibiting the reintroduction of wolf populations to the state of New Hampshire.  
**HJR 1**, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 2:50 p.m.

### RECESS

(Rep. Herman in the Chair)

### RESOLUTION

Rep. Guay offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 603 through 612 and House Joint Resolution numbered 9, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS and HJR

#### First, second reading and referral

**HB 603**, relative to the performance audit and oversight committee. (Lozeau, Hills 30; Kurk, Hills 5; Lynch, Ches 19; J. King, Dist 18; Russman, Dist 19: Legislative Administration)

**HB 604**, relative to filling a vacancy in the office of county commissioner. (M. Whalley, Merr 5: Municipal and County Government)

**HB 605-FN**, affirming sovereign immunity as it relates to the state's computers and computer software and programs and granting the state board of claims jurisdiction over claims against the state arising out of computer-related problems. (N. Kaen, Straf 7; Kurk, Hills 5; Dokmo, Hills 14; MacGillivray, Hills 21; Peterson, Hills 8; F. King, Dist 1; Johnson, Dist 3; Below, Dist 5: Judiciary)

**HB 606-FN**, relative to compensation for law enforcement officers who are injured in the line of duty. (Ham, Graf 4: Labor, Industrial and Rehabilitative Services)

**HB 607**, relative to the contents of the certificate of divorce. (Bickford, Straf 1: Children and Family Law)

**HB 608-FN-A**, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor. (Alger, Graf 9; Weyler, Rock 18: Finance)

**HB 609**, relative to construction of a sewer force main through a state land conservation easement. (Flint, Sull 4; Allison, Sull 10; Donovan, Sull 11; Leone, Sull 2; Disnard, Dist 8: Public Works and Highways)

**HB 610-FN-A-L**, prohibiting the use of wheeled OHRVs on trails maintained by the bureau of trails during the winter. (Christiansen, Hills 23: Transportation)

**HB 611**, relative to performance standards for telephone companies providing noncompetitive services. (MacGillivray, Hills 21; Norelli, Rock 31: Science, Technology and Energy)

**HB 612-FN**, relative to compensation paid to jurors. (MacGillivray, Hills 21; D. White, Hills 25: Judiciary)

**HJR 9**, urging the United States Congress and federal Environmental Protection Agency to eliminate federal requirements for oxygenate additives for gasoline. (MacGillivray, Hills 21; D. White, Hills 25; N. Kaen, Straf 7: Science, Technology and Energy)

### RECESS

(Speaker Sytek in the Chair)

Rep. Whalley moved that the House adjourn.

Adopted.

## **HOUSE JOURNAL No. 6**

Thursday, February 11, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Eric Lindblade.

Sovereign God, in the quiet of this moment, help us to order our thoughts to meet the challenges of the day. Let us be mindful of the need to listen, in such a way that we hear what is being said. Let us be mindful of the need to listen, that we rightly divide the word of truth. Let us be mindful of the need to listen, that we come to a clear understanding of the issues at hand. For no spoken word has meaning unless it is listened to. As we listen, give to us a vision for the tomorrows of our state, since all that we legislate is for the future. Help us to be daring, to break new ground, to make no small plans, that far horizons be our quest and our goal. And as we listen to the Governor's budget message, let us think not just of today but of tomorrow. For it has been truly said that where there is no vision, the people perish. Amen.

Rep. Brundige led the Pledge of Allegiance.

### **LEAVES OF ABSENCE**

Reps. Julie Brown, Patricia Cote, Courchesne, Crowell, Dawe, Densmore, Golden, Knowles, Langer, Mosher, Pepino, St. Hilaire and Spear, the day, illness.

Reps. Arndt, Babson, Bartlett, Burkush, Czech, Desmarais, Donovan, David Flanders, Flora, Franks, Fraser, Goley, Gorman, Griffin, James McDonald, Mirski, Musler, O'Keefe, Perkins, Priestley, Rose, Tate, Torressen and Weatherspoon, the day, important business.

Rep. DiFruscia, the day, illness in the family.

### **INTRODUCTION OF GUESTS**

Leadership New Hampshire Class of 1999, guests of the House. Former NH Rep. Merle Schotanus, guest of Rep. Stone. The 4<sup>th</sup> grade class from the Canaan Elementary School, guests of Reps. Scanlan and Weber. Dr. Lionel Tracy, Robert Suprenaut, Lee Ann Moynihan, Joanne McHugh and Peggy Terevainian, guests of Reps. Hess, Landers and Marple.

### **RESOLUTION**

Reps. Chandler and Burling offered the following:

**RESOLVED**, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing Governor Jeanne Shaheen deliver her budget message.

Adopted.

### **RECESS**

### **SENATE MESSAGE**

The Senate is ready to meet in Joint Convention for the purpose of hearing Governor Jeanne Shaheen deliver her budget message.

### **JOINT CONVENTION**

**(Speaker Sytek presiding)**

Her Excellency, Governor Jeanne Shaheen, addressed the Joint Convention.

Madame Speaker, Mr. President, Honorable members of the House, Senate and my fellow citizens of New Hampshire:

This morning, I am proud to once again present to you a balanced budget. It is an honest and responsible budget.

As you are well aware, I present this budget under extraordinary circumstances. The Supreme Court's decision in the Claremont case has placed before us a challenge of historic proportions. Although we will resolve the Claremont case separately from this budget, the budget was crafted recognizing that we must solve the education funding problem.

This is a lean budget. It is balanced without any new taxes. I've made difficult but necessary reductions, cutting agency requests by more than \$140 million.

Wherever possible, we have leveraged our investments with federal funds and private contributions to provide relief to New Hampshire taxpayers.

Aside from required obligations, this budget has an annual real growth rate of only 1.2 percent. With the exception of necessary new staff in the Department of Corrections, there will be no additional executive branch employees at the end of this budget cycle.

The capital budget I am presenting to you is the lowest since 1989.

This budget invests only in those computer projects currently in progress, as well as in what is necessary to avoid Y2K problems. We received a tremendous number of technology requests from agencies. Capital budget requests alone exceeded \$64 million. Absent a comprehensive strategy to meet our technology needs, I am not willing to fund all of these requests. I'll be initiating a process to evaluate our technology needs and determine how to meet them in as cost-efficient a manner as possible.

The increases in this budget are driven by required obligations. While we have worked hard to keep costs down, the state has made long-standing commitments that must be honored.

We must fund debt service. We must fund the state share of municipal employee pensions. We must fund aid to cities and towns. We must fund the Berlin prison. We must fund retiree health care costs. The costs of retirees' health care have shot up dramatically, increasing \$10.3 million for the biennium. This rate of increase is untenable. I have directed the Commissioner of Administrative Services to find ways to reduce these excessive increases while continuing to provide quality health care for our retirees.

Because state employees are paid every two weeks, approximately every decade an additional pay period is charged against the budget. This calendar phenomenon will add more than \$7.5 million in appropriations to the general fund in FY 2000.

While I am required by our Constitution to pass on the Judicial Branch's budget request intact, it is my belief that the courts' requested level of funding can and should be reduced in each year of the biennium. It is incumbent on all branches of state government, including the judiciary, to prudently and wisely expend our financial resources.

This is an honest budget. It is not based on rosy scenarios. It recognizes that the growth in revenue we have experienced over the last three years is expected to slow down. It anticipates a modest surplus of \$3.4 million at the end of FY 2001.

Except for our Claremont II obligations, we would enjoy a \$62 million surplus at the end of the current fiscal year. Instead, there will be only a small amount to split between the Health Care Fund and the Rainy Day Fund.

We have an opportunity to further shore up the Rainy Day Fund. The terms of the recent tobacco settlement call for a one-time \$16 million "signing bonus" that New Hampshire will receive once a critical mass of states have ended litigation. One-time revenue sources such as this should not be spent on ongoing operating expenses. I propose that this one-time \$16 million payment go straight into the rainy day fund. That's the fiscally responsible thing to do.

This is a budget true to New Hampshire's traditions of fiscal responsibility and lean, cost-effective government. But that's not all. It is a budget true to our values. It invests the New Hampshire way: carefully and efficiently. It invests in what we believe in, in New Hampshire's strengths and in our future – and these are smart investments.

We believe in our children and we believe they deserve the best education and the brightest opportunities that we can provide. That's a smart investment.

We believe in our families and in our neighborhoods. We want them safe, healthy, and secure. That's a smart investment.

We believe in our economy and the businesses that sustain it – and us – with the jobs they create. That's a smart investment.

We believe in the great natural beauty that makes our state so special and defines our quality of life. That's a smart investment.

This balanced budget is about smart investments, wisely and prudently made, in our natural resources, in our economy, and in our people.

This budget makes wise investments in education.



It invests in improving our schools, ensuring quality by increasing accountability and raising standards. My Best Schools Initiative returns the focus to the quality of our schools. The Best Schools Leadership Institute that I announced earlier this week will provide leadership training not only for teachers and administrators, but also for parents and community leaders.

At a time when we will be assuming responsibility for hundreds of millions of dollars in school funding to ensure equity, it makes sense to commit a modest amount of funding to ensure excellence.

The Best Schools Initiative will strengthen local control of education while encouraging genuine accountability in our schools. And most important, it will improve student learning and achievement.

This budget fully funds building aid, catastrophic aid, kindergarten aid, and tuition and transportation aid for vocational students.

Our commitment to education must also extend to higher education. This budget includes significant funding for the university system: 5 percent annual increases that will help keep the doors of higher education open to New Hampshire families. Without this investment, a public college education will become increasingly unaffordable to middle class families in New Hampshire. We will lose the future business and community leaders we need to keep our state strong. Too many of our best students are now driven out of state by the rising costs of higher education. It is time we make the commitment to keep those students here in New Hampshire.

We've also increased support for our Community-Technical Colleges. For example, the capital budget provides support for upgrades to the libraries at the Nashua and Concord campuses so they will be eligible for college accreditation. We are all justifiably proud that New Hampshire has the highest percentage of high tech workers in the country. If we are to maintain that distinction, we must continue to invest in our University and our Community-Technical College systems.

And, because we should provide opportunity to every New Hampshire citizen, this budget also increases our support for adult basic education for the first time in 10 years. Adult education is critical to the success of our welfare-to-work initiative. During the past 18 months, we have reduced the welfare rolls in New Hampshire by more than 18 percent. Over 2,500 people have participated in employment and training services in the past year alone. This is a tremendous accomplishment that should be continued.

Our economy is strong in New Hampshire and we must invest wisely to keep it that way. This budget makes smart investments in economic development that will help us secure a prosperous future.

We continue to invest in the Small Business Development Centers, which provide technical assistance to the small businesses that are the backbone of our economy. We maintain the Challenge Grants to help employers provide job training, so critical in these times when the labor market is tight. And this budget invests in child care so that parents can go to work, knowing their children are properly cared for.

We again increase investment in tourism promotion and advertising. For every dollar spent on tourism, we earn more than \$8.00 in additional tax revenue and \$75.00 for our economy. This budget also invests in international trade, an area of significant opportunity for New Hampshire businesses. And this budget invests in the roads and bridges that are our economic lifeline.

We include the hard money match needed to obtain over \$81 million in additional federal transportation funding over the next two years. That will make a real difference in our quality of life, the strength of our economy, and the safety of our families.

With this additional support for transportation, we can reconstruct major portions of Route 3 in the North Country. Travelling through Nashua will be easier in the fall of 1999, when we complete construction of the Everett Turnpike and open the link to Hudson on the circumferential highway. And we will complete Route 101 by the fall of 2000, three years ahead of schedule.

This budget also continues to get the red out of our red-listed bridges. With our increased investment, we will remove 32 municipal bridges from the red list by the end of the biennium.

Our investments in roads and bridges help our businesses and our economy. They relieve pressure on local property taxpayers by helping cities and towns pay for the infrastructure so central to the life of their communities.

But that's only part of the investment this budget makes in our local communities. For the people in our cities and towns, this budget keeps an important promise.

We honor our commitment to local communities by providing significant resources to help relieve the burden of local property taxes. This budget sends \$525 million – over half a billion dollars — in total state funds to our cities and towns over the next two years.

We have fully funded revenue sharing, including the additional rooms and meals tax revenue for cities and towns required by state law – an increase of \$15 million over the biennium.

New Hampshire's natural beauty is invaluable to the quality of our lives and the strength of our economy. This budget allows us to protect our natural environment while we expand our economy. We invest in a new source water protection program that will preserve the land surrounding aquifers and well heads. In addition, we fully fund drinking-water treatment grants, landfill closures and sewer projects, along with that new source water protection program – without spending one dollar more than we will spend in 1999. These investments enable local communities to preserve the environment, protect public health and relieve pressure on local property taxpayers.

This budget invests in public safety – in prison space for violent offenders, safety on our lakes and rivers, and cutting-edge crime-solving tools. The Berlin prison will open in February 2000 at a significant but necessary cost. The Southern Area Halfway House, authorized last year by the legislature, will be operational as well, providing a safer transition into society for state prison inmates. Three staffers for the state's new DNA crime lab will be funded with state dollars so that we can keep pace with new trends in criminal investigations. We also fund two new marine patrol positions to promote public safety on our lakes and rivers.

And we invest in the independence and freedom of some of our most vulnerable citizens.

We increase support for the meals on wheels program that enables seniors to remain in their homes and communities and not be forced prematurely into nursing homes.

The capital budget provides the funding to make our public buildings and parks as accessible to the physically challenged as they are to every other New Hampshire citizen. We must do this to comply with the federal Americans with Disabilities Act. But we should do this because it is the right thing to do.

In response to the findings and recommendations of a legislative study committee, I am putting half a million dollars in the capital budget to design an expansion of the Veterans' Home in Tilton.

Also in the capital budget, we recognize one of New Hampshire's most famous sons, astronaut Alan Shepard. We honor his memory, increase learning and promote tourism by investing in the design and development of the Alan B. Shepard wing at the Christa McAuliffe planetarium.

This summer, we will be promoting New Hampshire on the world stage, at the Smithsonian Folklife Festival in Washington, DC. This is a unique opportunity to showcase virtually every aspect of our state under the theme "Celebrating New Hampshire's Stories." We thought it was so important to showcase the Smithsonian Festival that we decided to put it in the budget, the budget address and in the budget highlights. We will do this the New Hampshire way, leveraging public money with voluntary contributions from businesses and individuals.

We make the difficult choices in this budget, investing in New Hampshire's future in a way that is fiscally responsible. In doing so, we continue on the course we began together two years ago.

The state has benefited from our efforts. Despite the current uncertainty due to the Claremont II decision, bond rating agencies have affirmed our favorable bond rating, recognizing our state's underlying fiscal stability and strength.

And we must build on that stability and strength for the next biennium and into the future.

Two years ago, the House acted responsibly and sent the budget I presented on to a Republican Senate virtually unchanged. This year, I expect there will be the temptation to put partisan advantage over public interest; pressure to make irresponsible cuts that the Democratic Senate will be forced to restore. We can ill afford such political gamesmanship, especially this year.

The choice before us is clear. Our love for this great state and our concern for the people we represent can bring us together or, partisan politics can draw us apart. We can demonstrate leadership or partisanship. The choice is ours.

One course leads to responsible, honest, balanced budgets. The other leads to finger pointing, gridlock, and worse.

We have worked together in the past to great result for our state and its citizens. We must do so again now.

We share a commitment to the people of New Hampshire. We share a concern for our state and a determination to secure a prosperous future. Let us also share a common vision for where and how we should invest in New Hampshire's people, in our economy, in our rich natural resources, and in our future.

I look forward to working with you in the coming months. Thank you.

Sen. Larsen and Rep. Chandler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## RECESS

**(Speaker Sytek in the Chair)**

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 16, 1999 at 1:00 p.m.

Adopted.

### LATE SESSION

#### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 10:45 a.m.

## RECESS

**(Rep. Edwin Smith in the Chair)**

### RESOLUTION

Rep. David Hall offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 613 through 627, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 613-FN-L**, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission. (Burling, Sull 1; B. Moore, Rock. 21: Executive Departments and Administration)

**HB 614-FN-L**, requiring the department of health and human services to pay for certain costs of providing special education services. (Mirski, Graf 12: Education)

**HB 615-FN-A**, establishing a brain and spinal cord injury trust fund and continually appropriating a special fund. (Boyce, Belk 5; Hollingworth, Dist 23: Health, Human Services and Elderly Affairs)

**HB 616-FN-A**, relative to providing tuition funds to students participating in private driver education courses from the driver training fund. (Gleason, Rock 13; Pilliod, Belk 3; G. Katsakiores, Rock 13; Milligan, Hills 18: Transportation)

**HB 617-FN-A-L**, relative to funding and monitoring seacoast harbor issues. (Leber, Merr 1; Vaughn, Rock 35; Calawa, Hills 17; Winston McCarty, Hills 38; Alukonis, Hills 23; .Gordon, Dist 2; F. King, Dist 1; D'Allesandro, Dist 20: Public Works and Highways)

**HB 618-FN-A**, establishing a voucher program for smoking cessation and continually appropriating a special fund. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)

**HB 619-FN**, requiring the commissioner of health and human services to produce certain quarterly reports. (Wallner, Merr 24: Finance)

**HB 620-FN**, relative to election of vested deferred retirement status for inactive members of the retirement system. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

**HB 621-FN-L**, reducing the tolls on New Hampshire highways by 25 cents. (Arthur, Hills 18; Moriarty, Hills, 18: Public Works and Highways)

**HB 622-FN**, relative to a school district's duty to provide education. (Soltani, Merr 10; Larrabee, Merr 9: Children and Family Law)

**HB 623-FN**, increasing the mileage reimbursement rate for members of the legislature. (Guay, Coos 6; Dickinson, Carr 2: Legislative Administration)

**HB 624-FN**, establishing a health care quality commission. (K. Herman, Hills 13: Health, Human Services and Elderly Affairs)

**HB 625-FN-A**, relative to a mercury emissions reduction and control program. (Bradley, Carr 8; Gilmore, Straf 11; Norelli, Rock 31; MacGillivray, Hills 21; D. White, Hills 25; Russman, Dist 19; Cohen, Dist 24; Pignatelli, Dist 13; Below, Dist 5; Fraser, Dist 4: Science, Technology and Energy)

**HB 626-FN**, relative to revising the laws regulating accountancy. (M. Whalley, Merr 5; Buckley, Hills 44; Torr, Straf 12; Sapareto, Rock 13; Roberge, Dist 9; Krueger, Dist 16: Executive Departments and Administration)

**HB 627-FN-A**, relative to establishing a differential between special fuel and gasoline taxes. (MacGillivray, Hills 21; D. White, Hills 25: Public Works and Highways)

## RECESS

(Rep. Dickinson in the Chair)

## RESOLUTION

Rep. Christiansen offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 628 through 633, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 628**, relative to the relocation of the principal residence of a child. (Wallin, Merr 15; Bickford, Straf 1: Children and Family Law)

**HB 629**, relative to establishing weekly "no hunting" days. (Riley, Ches 7; Konys, Hills 33; I. Pratt, Ches 5; Leber, Merr 1; Wheeler, Dist 21; Roberge, Dist 9: Wildlife and Marine Resources)

**HB 630-FN-L**, relative to the Skyhaven airport transfer plan. (Leber, Merr 1; Chandler, Carr 1; McCarty, Hills 38; Calawa, Hills 17; F. King, Dist 1; Gordon, Dist 2: Public Works and Highways)

**HB 631-FN**, authorizing the department of safety to issue photographic identification cards to persons required to have criminal background checks for employment or other lawful purposes. (Welch, Rock 18; Pepino, Hills 40; Mikowski, Rock 29: Criminal Justice and Public Safety)

**HB 632-FN-A**, directing a portion of fees for copies of motor vehicle records to be deposited in a nonlapsing account within the department of safety, division of fire standards and training. (Welch, Rock 18; Dyer, Hills 8; Hunter, Hills 7: Finance)

**HB 633-FN-L**, establishing parental choice scholarships. (Rabideau, Rock 16; D. Lawton, Belk 1; V. Clark, Rock 17; Hunt, Ches 10; Corbin, Rock 25; Roberge, Dist 9; Brown, Dist 17; Krueger, Dist 16: Education)

## RECESS

**(Rep. Hess in the Chair)**

**RESOLUTION**

Rep. Durham offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 634 through 638, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS**

**First, second reading and referral**

**HB 634-FN**, eliminating the requirement that retirement system disability recipients notify the board of trustees of unreduced social security disability benefits. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

**HB 635-FN-L**, establishing January 4, 2000 as a legal holiday in the state to be known as "Year 2000 Day." (Pitts, Rock 35: Executive Departments and Administration)

**HB 636-FN**, relative to public safety employee collective bargaining negotiations under the public employee labor relations act. (Kelley, Rock 22: Labor, Industrial and Rehabilitative Services)

**HB 637-FN**, including persons who make medical decisions as practicing medicine. (Pilliod, Belk 3; Hess, Merr 11; Fuller Clark, Rock 36; McCarley, Dist 6; Wheeler, Dist 21: Commerce)

**HB 638-FN**, authorizing a limited license for certain travel agents. (Hunt, Ches 10: Commerce)

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 7

Tuesday, February 16, 1999

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Eric Lindblade.

Dear Lord and Father of mankind forgive our feverish ways. Grant us a calmness of spirit and singleness of purpose to cut through the Gordian knots of the perplexities of creating law, and as we debate and ponder, let us keep these thoughts before us: it must be done, it can be done, it will be done. Amen.

Rep. Welch led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Courchesne, Fenton, Golden, L'Heureux, St. Hilaire and Vincent, the day, illness.

Reps. Bartlett, Blaisdell, Fraser, Harmon, Rebecca Hutchinson, Nolan-Piteri, Priestley, Royce and Weatherspoon, the day, important business.

### INTRODUCTION OF GUESTS

Linda Derby, guest of Rep. Lynde. Helen Holbrook, wife of Rep. Holbrook. Former NH Rep. and Sen. Rob Trowbridge, guest of Rep. Avery. Sarah Herman, daughter of Rep. Richard Herman.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**HB 58**, establishing a committee to study open adoption in New Hampshire. **OUGHT TO PASS** Rep. Rep. Karen K. Hutchinson for Children and Family Law: This bill Establishes a committee to provide a definition of open adoption and study the benefits and ramifications of open adoption for the purpose of possibly making recommendations for future legislation. Vote 17-0.

**HB 253**, requiring ballots to be examined and counted prior to the opening of polls on election day. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael S. Rollo for Election Law: This bill would provide flexibility in allowing counting of ballots from Secretary of State prior to the opening of polls. It also requires due notice be given as to the time and place of the counting in order to protect the integrity of the process. Vote 17-0.

#### Amendment (0059h)

Amend the title of the bill by replacing it with the following:

**AN ACT** allowing ballots to be examined and counted prior to the opening of polls on election day.

Amend the bill by replacing section 1 with the following:

1 Elections; Pre-Election Procedure; Election Day Morning Procedures; Counting Ballots; Prior to Opening of Polls. Amend RSA 658:31 to read as follows:

658:31 Counting Ballots. *At or prior to* the opening of the polls in each town or ward, the seal of the packages shall be publicly broken by the town or ward clerk; and the ballots shall be given to the ballot clerks and the ballots shall be examined and counted by the election officers *in the presence of the clerk, the moderator, and at least one other legal voter. If the ballots are counted prior to the opening of the polls, the clerk shall post, in an appropriate place and prior to election day, notice of the time and place of the counting.*

#### AMENDED ANALYSIS

This bill allows ballots to be examined and counted prior to the opening of polls on election day in the presence of the clerk, the moderator, and at least one other legal voter.

**HB 244**, relative to the corporate charter of the Laconia Airport Authority. OUGHT TO PASS WITH AMENDMENT

Rep. Anthony F. Simon for Municipal and County Government: This bill, as amended, continues the Laconia Airport Authority with changes to the membership that have been agreed to by the Authority and the City of Laconia. It also allows for an increase in Authority membership and adds an immunity and indemnification provision for the good faith actions of Authority members. Vote 12-0.

**Amendment (0052h)**

Amend the bill by replacing sections 2 and 3 with the following:

**2 Membership of the Authority.**

I. The mayor of the city of Laconia or designee, one member of the board of commissioners of Belknap county or designee, and one member of the board of selectmen of the town of Gilford or designee, ex-officio, together with 4 residents of Laconia and 2 residents of Gilford, appointed as hereinafter provided, shall constitute the Authority, and shall be vested with all the powers and charged with all the duties hereinafter granted to and imposed upon the Authority.

II. After public hearing, any of the appointed members of the Authority may be removed by a majority vote of the appointive agency upon written findings of cause, including but not limited to inefficiency, neglect of duty, or malfeasance. The member of the Authority appointed by Belknap county commissioners and the member of the Authority appointed by the Gilford board of selectmen may be removed only by a majority vote of their respective agencies. The mayor of the city of Laconia may be removed from the Authority only through the vacancy of his or her office as mayor.

3 Appointive Agency; Other Members. The mayor of the city of Laconia, the members of the city council of Laconia, the commissioners of Belknap county and the board of selectmen of the town of Gilford, hereinafter referred to as the appointive agency, shall, acting as a body over which the mayor of the city of Laconia shall preside, elect 6 other members of the Authority, who shall serve for a term of 4 years and until their successors are elected. But in no case shall they serve more than 2 consecutive terms.

Amend the bill by replacing section 7 with the following:

7 Officers; Action by Majority. The mayor of the city of Laconia shall be the chairperson of the Authority. The Authority shall elect annually from its membership a vice chairperson, clerk, and treasurer and prescribe their duties. The treasurer shall be the financial agent of the Authority and shall furnish such bond as the appointive agency shall determine. The concurrence of a majority of the membership of the Authority shall be necessary to constitute action by the Authority.

Amend the bill by inserting after section 16 the following and renumbering the original sections 17-19 to read as 18-20, respectively.

17 Civil Liability; Indemnification. No member of the Authority shall incur personal or individual liability for any actions taken in good faith as a member of the Authority. Further, the Authority shall indemnify and save any member harmless from any loss, claim or damages suffered as a result of any vote or action taken in good faith as a member of the Authority including personal financial loss and expenses, such as reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment arising from the good faith execution of his or her duties as a member of the Authority.

**HB 262-L**, relative to emergency expenditures and overexpenditures by school boards. OUGHT TO PASS

Rep. Thomas E.P. Rice for Municipal and County Government: This bill, supported by both the Department of Education and the Department of Revenue Administration, improves communications between these two entities through a notification process. Vote 12-0.

**HB 364**, relative to expenditure of funds received from the United States on account of national forest lands in this state. OUGHT TO PASS

Rep. Elizabeth S. Hager for Municipal and County Government: This bill is a necessary change in the law to increase efficiency in government. Currently, both the Department of Education and the State Treasurer must be involved in the transfer of this Forest Service federal money. The Committee believes that the Department of Education can handle the apportionment and payment effectively. Vote 12-0.

**HB 98-FN**, relative to a master plan for Monadnock state park and its environs, Pisgah state park, and Pillsbury state reservation. INEXPEDIENT TO LEGISLATE

Rep. H.Charles Royce for Resources, Recreation and Development: The sponsors of this bill have worked out an agreement with the Commissioner of the Department of Resources and Economic Development and the Director of Parks and Recreation to develop plans for these parks within the agency. The plans will involve the public and interested groups. The committee recommends that this bill be ITL. Vote 14-1.

**HB 212**, relative to local ordinances or regulations affecting groundwater withdrawals. RE-REFER TO COMMITTEE

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill addresses the question of local or state control of ground water withdrawals. Several related issues were raised during the committee process. In addition, new rules based on last session's legislation, have yet to go into effect. The committee feels more time is needed to address these issues. Vote 15-0.

**HB 245-FN**, relative to fees and appropriations to the division of safety services. OUGHT TO PASS WITH AMENDMENT

Rep. Michael W. Downing for Resources, Recreation and Development: This bill maintains the existing credit of one half (½) the unrefunded road tolls to the navigation safety fund as well as making certain existing boating related fees such as the boat tax fee, motor boat operator fee, mooring decal fee, and the boat permit fee available to the division of safety services. This fund shall only be used to promote the safety of navigation and the administration and enforcement of existing laws. Vote 14-0.

#### Amendment (0104h)

Amend the bill by replacing all after the enacting clause with the following:

1, State Treasurer and State Accounts; Application of Receipts; General Revenue Exceptions; Navigation Safety Fund. RSA 6:12, I(ppp) is repealed and reenacted to read as follows:

(ppp) Moneys deposited in the navigation safety fund established in RSA 270-E:6-a.

2 Taxation; Boat Fee; Collection by Department of Safety; Costs Appropriated to Navigation Safety Fund. Amend RSA 72-A:4, III to read as follows:

III. In addition to the fee set in RSA 72-A:3, \$1 shall be paid to cover the cost of collection. When the fee is collected by a clerk, tax collector, or authorized agent, he *or she* shall retain the \$1 as compensation. When the fee is collected by the department of safety, ~~[the department shall send the \$1 to the treasurer to be deposited in the general fund]~~ *the fee shall be deposited in the navigation safety fund established under RSA 270-E:6-a.*

3 Taxation; Boat Fee; Town Treasurer; Collection by Department of Safety; Boat Fees Appropriated to Navigation Safety Fund. Amend RSA 72-A:5, II to read as follows:

II. When the boat fee is collected by the department of safety, ~~[the department shall at least weekly send all boat fees so collected to the state treasurer to be deposited in the general fund]~~ *the fee shall be deposited in the navigation safety fund established under RSA 270-E:6-a.*

4 Supervision of Navigation; Administration and Enforcement; Auxiliary Marine Patrol; Powers. Amend RSA 270:12-c, I-III to read as follows:

I. The commissioner of safety may establish a force of individuals to assist the director of safety services and ~~[his]~~ *the* marine patrol officers to patrol the various bodies of water in the state. *Any person that patrols any water body on behalf of the department shall either be a certified marine patrol officer or an auxiliary officer appointed under the provisions of this section.*

II. An individual appointed by the commissioner as an auxiliary officer under this section shall be either a paid part-time employee of the department or a volunteer, *and may be*, but shall not ~~[necessarity]~~ *be* ~~[a full-time or part-time]~~ *required to be*, a certified police officer. An auxiliary officer shall be subject to such training requirements as the commissioner shall deem necessary.

III. ~~[An auxiliary officer appointed pursuant to this section shall be granted such police powers as the commissioner deems necessary, provided that such powers shall not include the powers of arrest, detention, or the issuance of citations for offenses.]~~ The report of an auxiliary officer to ~~[a marine patrol]~~ *any peace officer* ~~[or other authority]~~ shall be prima facie evidence relative to the violation or offense reported.



5 Supervision of Navigation; Mooring of Boats on Public Waters; Decal Issuance, Display, Replacement, Renewal, and Fee; Mooring Fee; Appropriation to Navigation Safety Fund. Amend RSA 270:62, V to read as follows:

V. An annual mooring fee of \$25 shall be charged for each decal issued pursuant to this subdivision *which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.*

6 Supervision of Navigation; Mooring of Boats on Public Waters; Public Mooring Fields; Application Fee; Appropriation to Navigation Safety Fund. Amend RSA 270:67, I(c) to read as follows:

(c) Each public mooring field applicant shall be assessed a fee of \$25 *which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.*

7 Supervision of Navigation; Mooring of Boats on Public Waters; Congregate Mooring Fields; Mooring Fee; Appropriation to Navigation Safety Fund. Amend RSA 270:67, II(c) to read as follows:

(c) Each congregate mooring field permitted by the director shall be assessed an annual mooring fee of \$25 for each mooring installed in the congregate mooring field *which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.*

8 New Section; Supervision of Navigation; Vessel Registration and Numbering; Navigation Safety Fund. Amend RSA 270-E by inserting after section 6 the following new section:

270-E:6-a Navigation Safety Fund. There is established the navigation safety fund which shall be nonlapsing and continually appropriated to the department of safety, division of safety services. The state treasurer may invest moneys in the fund as provided by law and all interest received on such investment shall be credited to the fund. The fund shall only be used to promote the safety of navigation and the administration and enforcement of RSA 270, RSA 270-B, RSA 270-D, and RSA 270-E.

9 Navigation; Vessel Registration and Numbering; Disposition of Revenues; Appropriation to Navigation Safety Fund. Amend RSA 270-E:7, I to read as follows:

I. Except as provided in paragraph II, all fines collected under this chapter and the amount of fees generated by RSA 270-E:5, I and III shall be ~~[made available to the department of safety, division of safety services for the promotion of the safety of navigation and the administration and enforcement of this chapter. Such sums shall be nonlapsing and shall be continually appropriated to the department of safety, division of safety services]~~ *deposited in the navigation safety fund established under RSA 270-E:6-a.*

10 Navigation; Vessel Registration and Numbering; Licenses and Inspections; License Fees; Appropriation to Division of Safety Services. Amend RSA 270-E:23 to read as follows:

270-E:23 License Fees. There shall be paid to the commissioner for every general certificate of captain, master, pilot or engineer, \$4; and for every limited certificate of captain, master, pilot or engineer, \$2. A general certificate shall entitle the holder thereof to act in the capacity named on any vessel of the class described in the certificate; a limited certificate shall entitle ~~[him]~~ *the holder* to act in such capacity only on a particular vessel named in the certificate. Only one certificate shall be required to entitle the holder thereof to act in any or all of the above capacities on any motorized vessel permitted to carry a maximum of 25 persons. *The fees paid for certificates issued under this section shall be deposited in the navigation safety fund established under RSA 270-E:6-a.*

11 Repeal of Prospective Repeal. 1998, 324:4, relative to repealing the navigation safety fund general revenue exception, is repealed.

12 Effective Date.

I. Section 9 of this act shall take effect July 1, 1999 at 12:01 a.m.

II. Section 11 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill credits certain boating-related fees to the navigation safety fund and specifies the qualifications and authority of the auxiliary marine patrol.

**HB 290**, relative to exempting the town of Litchfield from the shoreland protection act. INEXPEDIENT TO LEGISLATE

Rep. MaryAnn Blanchard for Resources, Recreation and Development: Litchfield has a substantial portion of its land in agricultural use and concerns were expressed that provisions of the Shoreline Protection Act could impact the livelihood of farmers there. However, farmers are exempt from the SPA if they follow best management practices regarding fertilizers, manure, runoff and ero-

sion. Farmers receive advice and financial help at no cost from UNH Cooperative Extension and US Department of Agriculture to achieve compliance with best management practices. Therefore, this bill is not necessary. Vote 15-0.

**HB 92**, exempting permanently disabled veterans from the requirement of reestablishing their disability status for the division of motor vehicles every 4 years to prove eligibility for special license plates. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Milligan for Transportation: The portion of the bill's amendment which pertains to the veterans administrations determination of eligibility should suffice in lieu of every four years recertification. Vote 18-0.

### Amendment (0049h)

Amend the bill by replacing section 1 with the following:

I Walking Disability Plates and Placards. Amend RSA 261:88, III to read as follows:

III. An applicant for such special plates shall furnish the director with satisfactory proof, as the director may require, that the applicant meets the requirements of paragraph II. Such proof must be submitted every 4 years *except in the case of a veteran who has been evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from such service-connected disability. Such proof shall only have to be made upon initial application.* Satisfactory proof of a walking disability, at a minimum, shall consist of the certification of a licensed physician that the applicant meets the definition, set forth in paragraph I, of persons with walking disabilities. Upon request and for a fee of \$1.50 per plate, the director shall exchange special plates for regular plates currently issued to an applicant who qualifies for special plates.

### REGULAR CALENDAR

**HB 108-FN-A-L**, establishing a statewide education property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Jeffrey C. MacGillivray for the Majority of Finance: This is a statewide property tax bill; it has neither a statewide sales or income tax. HB 108 raises \$864 million based on an adequacy number of \$4000 elementary, \$4500 high school, and increases the state kindergarten aid program from the existing \$750 per student to full inclusion in an adequate education. As a result, HB 108 has a statewide property tax rate of \$12.03. The sponsor has proposed an amendment which would incorporate additional state revenues; this would still only reduce the property tax rate to \$10.19. We thank the sponsors for their years of work and their ideas. The committee has decided to recommend HB 117 as amended instead, with its additional state revenues, no increase in the kindergarten program, and superior targeting of the last few hundred dollars of state aid. Therefore this bill is no longer necessary. Vote 22-5.

Rep. Steve Vallincourt for the Minority of Finance: The minority believes that this is the most comprehensive and fully developed property tax bill presented. It is the product of more than five years of evolution. Unlike some other property tax bills presented, it allows for kindergarten, has a well-targeted distribution system based on need, and provides the greatest amount of property tax relief. It accomplishes all this without a sales or income tax. Most importantly, it has what we believe to be a compromise figure on the cost for adequacy set at \$4,000-\$4,500 per student. This raises approximately \$864 million in education aid to various communities. With supplemental, non broad-based funding sources, the uniform rate in this bill could be brought under \$10 per \$1,000 of assessed property value. Those who say that this would be "devastating" to poor people in property rich towns should note that the bill contains an "ability to pay circuit breaker" to assure that no one would pay more than 10 per cent of his or her adjusted gross income on the first \$100,000 of her or her property value.

Rep. Sapareto moved Re-commit to Committee and spoke in favor.

Reps. Wallin, Sabella and John Pratt spoke against.

Reps. Kurk and Burling spoke in favor.

Rep. Chandler spoke in favor and yielded to questions.

Rep. Sabella requested a roll call; sufficiently seconded.

The question being the motion to Re-commit to Committee.

**YEAS 241 NAYS 132****YEAS 241****BELKNAP**

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Salatiello, Thomas

Czech, Stanley  
Lawton, Robert  
Thomas, John

Holbrook, Robert  
Rice, Thomas  
Turner, Robert

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth

**CHESHIRE**

Avery, Stephen  
Riley, William

Burnham, Daniel  
Roberts, William

Hunt, John  
Rose, William

Lerandeau, Alfred  
Smith, Edwin

**COOS**

Glines, Sara  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Copenhaver, Marion  
Guest, Robert  
LaMott, Paul  
Nordgren, Sharon  
Weber, Phil

Alger, John  
Dudley, Terri  
Hall, David  
MacNeil, Allen  
Picconi, Al

Brothers, Richard  
Eaton, Stephanie  
Hinman, Harry  
Marshall, Gene  
Scanlan, David

Cobb, John  
Gilman, G Michael  
Johnson, Gary  
Mirski, Paul  
Ward, Brian

**HILLSBOROUGH**

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Cote, David  
Dalianis, Griffin  
Desrosiers, William  
Dwyer, Paul, Sr  
Fletcher, Richard  
Franks, Suzan  
Haettenschwiller, Alphonse  
Jean, Claudette  
Kurk, Neal  
Leishman, Peter  
MacGillivray, Jeffrey  
Mercer, Robert  
Mosher, William  
Ouellette, Dean  
Reidy, Frank  
Thulander, O Alan  
Withee, Dennis

Andrews, Frederick  
Belvin, William  
Bruno, Pierre  
Chabot, Robert  
Cote, Peter  
Daniels, Gary  
Dokmo, Cynthia  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Eugene  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
Lessard, Rudy  
Martel, Andre  
Messier, Irene  
Murphy, Robert  
Pappas, Marc  
Sargent, Maxwell  
Turgeon, Roland

Arnold, Thomas, Jr  
Bergeron, Lucien  
Buckley, Raymond  
Christiansen, Lars  
Coughlin, Pamela  
Dawe, Eileen  
Drabinowicz, A  
Emerton, Lawrence  
Ford, Nancy  
Ginsburg, Ruth  
Holley, Sylvia  
Johnson, Lionel  
Lasky, Bette  
Lozeau, Donnalee  
McCarthy, Winston  
Milligan, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Simon, Anthony  
Wall, Nancy

Baroody, Benjamin  
Bergin, Peter  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Daigle, Robert  
Desmarais, Vivian  
Durham, Susan  
Fields, Dennis  
Foster, Linda  
Goulet, Maurice  
Hunter, Bruce  
Konys, Christine  
Lefebvre, Roland  
Lynde, Harold  
McGough, Tim  
Moran, Edward  
O'Hearn, Jane  
Reeves, Sandra  
Tate, Joan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Jacobson, Alf  
Lavoie, Gerard  
Soltani, Tony

Brewster, Richard  
Kennedy, Richard  
Leber, William  
St Cyr, Gerard

Hess, David  
Langer, Ray  
Nichols, Avis  
Whalley, Michael

Hoadley, Elizabeth  
Larrabee, David, Sr  
Potter, Frances  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Bridle, Russell	Christie, Andrew, Jr	Clark, Martha
Clark, Vivian	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dolan, Richard	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Putnam, Ed, II
Quandt, Marshall	Rabideau, Marie	Reardon, Neil	Rubin, George
Ruffner, Walter	Sapareto, Frank	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Cossette, Larry	Domingo, Baldwin	Johnson, Nancy	Knowles, William
Lundborn, Raymond	Musler, George	Snyder, Clair	Spear, Barbara
Torr, Franklin	Tsiros, William	Vachon, Dennis	Wall, Janet
Woods, Phyllis			

**SULLIVAN**

Burling, Peter	Flint, Gordon, Sr	Kibbey, David	McIntyre, Sara
Robb-Theroux, Amy	Wiggins, Celestine	Young, David	

**NAYS 132****BELKNAP**

Millham, Alida	Pilliod, James	Wood, Jane
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**CARROLL**

Torresen, Gary

**CHESHIRE**

Batchelder, Robert	DePecol, Benjamin	Doucette, Richard	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

**COOS**

Davis, Perley	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

**GRAFTON**

Almy, Susan	Densmore, Jessica	Ham, Bonnie	Phinney, William
Solow, Martha			

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Beaupre, Roland	Burkush, James
Clemons, Jane	Craig, James	Curran, James	Gagnon, Paul
Garrish, Linda	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Herman, Richard	Keye, Harvey	LaPorte, George
Leonard, Peter	Martin, Mary	McCarthy, William	McColgan, Philip, Jr

McDonald, James, Sr  
Moriarty, Mary  
Sarette, John

McDonough-Wallace, Alice  
Pepino, Leo  
Vaillancourt, Steve

Melcher, Harold  
Perkins, Paul  
White, John

Mendenhall, Leslie  
Rowe, Robert  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Davis, Francis  
Gile, Mary  
Marshall, Kenneth  
Poulin, Dave  
Virtue, Carolyn

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Maxfield, Roy  
Reardon, Tara  
Wallin, Jean

Crosby, Toni  
Fortnam, Janet  
Lockwood, Priscilla  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

Daneault, Gabriel  
French, Barbara  
Marple, Richard  
Owen, Derek  
Seldin, Gloria  
Whittemore, James

### ROCKINGHAM

Blanchard, MaryAnn  
Kane, Cecelia  
Morse, Charles  
Raynowska, Bernard  
Shultis, Elizabeth

Case, Margaret  
Kelley, Jane  
Norelli, Terie  
Sabella, Norma  
Splaine, James

Cooney, Richard  
Langley, Jane  
Pantelakos, Laura  
Schanda, Frank  
Stickney, Nancy

DiFruscia, Anthony  
Lovejoy, Marian  
Pitts, Jacqueline  
Shelton, Richard  
Vaughn, Charles

### STRAFFORD

Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie

Callaghan, Frank  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Marsha  
Spang, Judith

DeChane, Marlene  
Grassie, Anne  
Lent, Donald  
Rogers, Rose Marie  
Taylor, Kathleen

Dunlap, Patricia  
Heon, Richard  
McKinley, Robert  
Rollo, Michael  
Twardus, Joseph

### SULLIVAN

Allison, David  
Leone, Richard

Cloutier, John  
Phinizy, James

Donovan, Thomas, Jr  
Tuthill, John

Jones, Constance

and the motion was adopted.

**HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Neal M. Kurk for the Majority of Finance: This bill proposes a 4% statewide income tax plus an \$8 per-thousand statewide property tax. Local school districts may spend more than the state adequate education grant by raising local property taxes.

Differences exist between the fiscal note and the sponsors with respect to the estimated revenue from the income tax. Moreover, substantial questions remain as to the constitutionality of key provisions in the bill, such as the full homestead credit and the different treatment of in-state and out-of-state residents, which appear to tax similar taxpayers or properties at different rates. While the committee was provided with information about the effect of the \$8 per thousand statewide property tax on cities and towns, no estimate was provided on how much of the \$600-700 million in income taxes would come from each city and town. Without this information, it is not possible to determine which cities and towns would be net gainers and net losers under the plan.

The committee believes imposing such a massive redistribution of wealth would have an adverse economic impact on our citizens. A tax scheme such as this would also likely put at risk the kind of entrepreneurial activity, and the good jobs that go with it, that have contributed to the state's healthy economy and low unemployment rate. Perhaps more important, an income tax would change the way in which we think of ourselves as different, indeed unique, and the pride we have in being one of the few states without a general sales or income tax. The committee believes a less wrenching change in our tax structure can successfully provide the funds needed for an adequate education. Vote 17-10.

Rep. Mary Jane Wallner for the Minority of Finance: In the view of the minority of the Finance Committee, this bill embodies the fairest solution to the Claremont challenge. It places the primary obligation to pay for education on the shoulders of those with the greatest ability to pay. It com-

binesthe a low-rate statewide property tax with a full homestead exemption and a 4 per cent income tax. The income tax offers a \$10,000 per taxpayer and \$4,000 per dependent deduction. The Education Fund created in the bill, of course, includes the Sweepstakes revenue.

This bill as presently drafted will lower property taxes by 50 per cent on average for homeowners. Other property taxes will drop over 15 per cent on average. New Hampshire will capture \$80-\$120 million in revenue that is now flowing out of state. \$700 million will be raised over all by the income tax, \$200 million by the property tax and \$61 million from the Sweepstakes.

Reps. Marjorie Smith and Burling spoke against.

Rep. Burling requested a quorum count. The Speaker declared a quorum present.

Reps. Feuerstein and Hager spoke against and yielded to questions.

Reps. Kurk, Hess, Henderson and Peterson spoke in favor and yielded to questions.

Rep. Marple spoke in favor.

Rep. Hager requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 172 NAYS 206**

**YEAS 172**

**BELKNAP**

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Lawton, Robert	Rice, Thomas
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine

**CARROLL**

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Torresen, Gary	

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Smith, Edwin
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**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Hinman, Harry	MacNeil, Allen	Marshall, Gene
Mirski, Paul	Picconi, Al	Scanlan, David	Weber, Phil

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Cote, David	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Gagnon, Eugene
Goulet, Maurice	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Kurk, Neal	LaRose, Richard	Lefebvre, Roland
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McGough, Tim	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Wall, Nancy	White, Donald	

**MERRIMACK**

Anderson, Eric	Hess, David	Kennedy, Richard	Langer, Ray
Larrabee, David, Sr	Leber, William	Marple, Richard	Nichols, Avis
Soltani, Tony	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bridle, Russell
Christie, Andrew, Jr	Corbin, C David	Cote, Patricia	Dalrymple, Janeen
DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Karen
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Putnam, Ed, II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Rubin, George
Stickney, Nancy	Stone, Joseph	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Zolla, William

**STRAFFORD**

Cossette, Larry	McKinley, Robert	Musler, George	Torr, Franklin
Woods, Phyllis			

**SULLIVAN**

Kibbey, David	Young, David
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**NAYS 206****BELKNAP**

Millham, Alida	Pilliod, James	Salatiello, Thomas	Wood, Jane
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**CARROLL**

Philbrick, Donald
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**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

**COOS**

Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert	Woodward, David	

**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Johnson, Gary	LaMott, Paul	Nordgren, Sharon	Phinney, William
Solow, Martha	Ward, Brien		

**HILLSBOROUGH**

Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Bruno, Pierre	Buckley, Raymond	Burkush, James
Clemons, Jane	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Dawe, Eileen	Drabinowicz, A	Durham, Susan
Dwyer, Paul, Sr	Dyer, Merton	Ford, Nancy	Foster, Linda

Franks, Suzan	Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Herman, Richard	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lynde, Harold	Martin, Mary
McCarthy, William	McColgan, Philip, Jr	McDonald, James, Sr	McDonough-Wallace, Alice
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary
Murphy, Robert	O'Connell, Timothy	Perkins, Paul	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol	Withee, Dennis	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	French, Barbara	Gile, Mary	Hager, Elizabeth
Hoadley, Elizabeth	Jacobson, Alf	Lavoie, Gerard	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret
Clark, Martha	Clark, Vivian	Cooney, Richard	Cox, Russell
Dearborn, Bruce	Gleason, John	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Langley, Jane	Langone, John	Lovejoy, Marian
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Ruffner, Walter	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stritch, C Donald
Tufts, J Arthur	Vaughn, Charles	Whittier, John	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Tsiros, William	Twardus, Joseph	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	McIntyre, Sara
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

and the majority report failed.

Rep. McGuirk moved Ought to Pass

**LAID ON THE TABLE**

Rep. Hager moved that **HB 109-FN-A-L**, establishing a flat rate education income tax and a state-wide education property tax to fund public education and making an appropriation therefor, be laid on the table.

Rep. Perkins requested a roll call; not sufficiently seconded.

On a division vote, 298 members having voted in the affirmative and 80 in the negative, **HB 109** was laid on the table.



**REGULAR CALENDAR (CONT'D.)****HB 112-FN-A, increasing the cigarette tax. OUGHT TO PASS WITH AMENDMENT**

Rep. Steve Vaillancourt for Finance: The amendment provides for taxation of cigars and tobacco for the first time. While estimates are that this in itself will add only \$1.2-3 million to taxes raised, simple fairness dictates that we tax these products at a time we are raising the cigarette tax by 25 cents. No one can argue that the \$50 million this bill generates is badly needed. The Department of Revenue Administration informs us that although this increase will push our lower tax advantage to the limit, it will still exist enough (against Massachusetts and Maine, but not Vermont) so that sales in border areas should not decline significantly. On the health side, indications are that even if adults do not stop smoking in great numbers when prices increase, teens do. Some say that in itself is reason to pass this bill. Vote 24-3.

**Amendment (0106h)**

Amend the title of the bill by replacing it with the following:

AN ACT increasing the tobacco tax and imposing the tax on all types of tobacco products.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 3-4, respectively:

1 Definition Expanded; Tobacco Products. RSA 78:1, XIV is repealed and reenacted to read as follows:

XII. "Tobacco products" means cigarettes; cigars; cheroots; stogies; periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect April 1, 1999.

**AMENDED ANALYSIS**

This bill increases the tobacco tax by 25 cents and imposes the tax to all types of tobacco products. adopted.

Rep. Dickinson moved Re-commit to Committee and spoke in favor.

Reps. Buckley and Alukonis spoke against.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being the motion to Re-commit to Committee.

**YEAS 103 NAYS 271****YEAS 103****BELKNAP**

Czech, Stanley	Holbrook, Robert	Johnson, James	Lawton, David
Wendelboe, Francine			

**CARROLL**

Babson, David, Jr	Dickinson, Howard	Howard, Godfrey	Kenney, Joseph
MacDonald, Kenneth	Mock, Henry	Torresen, Gary	

**CHESHIRE**

Avery, Stephen	DePecol, Benjamin	Lynch, Margaret	Roberts, William
Rose, William			

**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
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**GRAFTON**

Alger, John	Cobb, John	Dudley, Terri	Gilman, G Michael
Hall, David	Hinman, Harry	Mirski, Paul	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Andrews, Frederick  
 Brundige, Robert  
 Clegg, Robert, Jr  
 McCarty, Winston  
 Messier, Irene  
 Pappas, Marc  
 White, Donald

Arnold, Thomas, Jr  
 Bruno, Pierre  
 Dalianis, Griffin  
 McDonough-Wallace, Alice  
 Milligan, Robert  
 Pepino, Leo

Batula, Peter  
 Carlson, Donald  
 Desmarais, Vivian  
 McRae, Karen  
 Mosher, William  
 Peterson, Andrew

Beaupre, Roland  
 Christiansen, Lars  
 Jean, Loren  
 Mercer, Robert  
 Ouellette, Dean  
 Wall, Nancy

**MERRIMACK**

Feuerstein, Martin  
 Lavoie, Gerard  
 Soltani, Tony

Jacobson, Alf  
 Leber, William  
 Whittemore, James

Kennedy, Richard  
 Lockwood, Priscilla

Langer, Ray  
 Marple, Richard

**ROCKINGHAM**

Beaulieu, Jon  
 Dolan, Richard  
 Gleason, John  
 Langley, Jane  
 Moore, Benjamin  
 Packard, Sherman  
 Sapareto, Frank  
 Verani, Giovanni

Belanger, Ronald  
 Dunham, Vivian  
 Hutchinson, Karen  
 Letourneau, Robert  
 Nowe, Mary Lou  
 Rabideau, Marie  
 Stickney, Nancy  
 Weare, Everett

Bishop, Franklin  
 Fesh, Robert  
 Katsakiores, George  
 McKinney, Betsy  
 Nowe, Ronald  
 Raynowska, Bernard  
 Stritch, C Donald  
 Welch, David

Corbin, C David  
 Flanagan, Natalie  
 Kobel, Rudolph  
 Mikowski, Walter  
 Noyes, Richard  
 Rubin, George  
 Varrell, Thomas  
 Weyler, Kenneth

**STRAFFORD**

Bickford, David

McKinley, Robert

Spear, Barbara

**SULLIVAN**

Phinizy, James

Young, David

**NAYS 271****BELKNAP**

Boriso, Thomas  
 Pilliod, James  
 Thomas, John

Boyce, Robert  
 Rice, Thomas  
 Turner, Robert

Lawton, Robert  
 Rosen, Ralph  
 Wood, Jane

Millham, Alida  
 Salatiello, Thomas

**CARROLL**

Bradley, Jeb  
 Philbrick, Donald

Chandler, Gene

Lyman, L Randy

Patten, Betsey

**CHESHIRE**

Batchelder, Robert  
 Lerandeau, Alfred  
 Meader, David  
 Richardson, Barbara  
 Smith, Edwin

Burnham, Daniel  
 Lynott, Margaret  
 Mitchell, McKim  
 Riley, William  
 Zerba, Roger

Doucette, Richard  
 Manning, Joseph  
 Pratt, Irene  
 Robertson, Timothy

Hunt, John  
 McGuirk, Paul  
 Pratt, John  
 Russell, Ronald

**COOS**

Davis, Perley  
 Mears, Edgar

Glines, Sara  
 Rodrigue, Robert

Hawkinson, Marie  
 Tholl, John, Jr

Landers, Dana  
 Woodward, David

**GRAFTON**

Akins, Ralph  
 Densmore, Jessica  
 Johnson, Gary  
 Nordgren, Sharon

Almy, Susan  
 Eaton, Stephanie  
 LaMott, Paul  
 Phinney, William

Brothers, Richard  
 Guest, Robert  
 MacNeil, Allen  
 Picconi, Al

Copenhaver, Marion  
 Ham, Bonnie  
 Marshall, Gene  
 Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Arthur, Rose	Baroody, Benjamin
Belvin, William	Bergeron, Lucien	Bergin, Peter	Buckley, Raymond
Burkush, James	Calawa, Leon, Jr	Chabot, Robert	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Daniels, Gary	Dawe, Eileen
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Herman, Keith	Herman, Richard
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	LaPorte, George
LaRose, Richard	Lasky, Bette	Leishman, Peter	Leonard, Peter
Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey
Martel, Andre	Martin, Mary	McCarthy, William	McColgan, Philip, Jr
McDonald, James, Sr	McGough, Tim	Melcher, Harold	Mendenhall, Leslie
Moran, Edward	Moriarty, Mary	Murphy, Robert	O'Connell, Timothy
O'Hearn, Jane	Perkins, Paul	Reeves, Sandra	Reidy, Frank
Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol	Withee, Dennis	

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Crowell, Peter	Daneault, Gabriel	Davis, Francis
Fortnam, Janet	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Larrabee, David, Sr	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Blanchard, MaryAnn	Bridle, Russell
Case, Margaret	Christie, Andrew, Jr	Clark, Martha	Clark, Vivian
Cooney, Richard	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Flanders, David	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Johnson, Robert	Kane, Cecelia	Katsakiores, Phyllis	Kelley, Jane
Langone, John	Lovejoy, Marian	Major, Norman	Morse, Charles
Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael	Pantelakos, Laura
Pitts, Jacqueline	Putnam, Ed, II	Reardon, Neil	Ruffner, Walter
Sabella, Norma	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Stone, Joseph	Tufts, J Arthur	Vaughn, Charles
Whittier, John	Zolla, William		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Musler, George
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael

Smith, Marjorie  
Tsiros, William  
Woods, Phyllis

Snyder, Clair  
Twardus, Joseph

Spang, Judith  
Vachon, Dennis

Torr, Franklin  
Wall, Janet

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
McIntyre, Sara

Burling, Peter  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Kibbey, David  
Tuthill, John

Donovan, Thomas, Jr  
Leone, Richard  
Wiggins, Celestine

and the motion failed.

The question now being the adoption of the committee report.  
Rep. MacGillivray requested a roll call; sufficiently seconded.

### YEAS 263 NAYS 110

### YEAS 263

### BELKNAP

Boriso, Thomas  
Rosen, Ralph  
Wood, Jane

Holbrook, Robert  
Salatiello, Thomas

Millham, Alida  
Thomas, John

Pilliod, James  
Turner, Robert

### CARROLL

Bradley, Jeb  
MacDonald, Kenneth

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

Lyman, L Randy  
Torresen, Gary

### CHESHIRE

Avery, Stephen  
Doucette, Richard  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy

Batchelder, Robert  
Hunt, John  
Manning, Joseph  
Pratt, Irene  
Russell, Ronald

Burnham, Daniel  
Lerandeau, Alfred  
McGuirk, Paul  
Richardson, Barbara  
Zerba, Roger

DePecol, Benjamin  
Lynch, Margaret  
Meador, David  
Riley, William

### COOS

Davis, Perley  
Mears, Edgar

Glines, Sara  
Rodrigue, Robert

Hawkinson, Marie  
Tholl, John, Jr

Landers, Dana  
Woodward, David

### GRAFTON

Akins, Ralph  
Densmore, Jessica  
LaMott, Paul  
Picconi, Al

Almy, Susan  
Guest, Robert  
MacNeil, Allen  
Scanlan, David

Brothers, Richard  
Ham, Bonnie  
Marshall, Gene  
Solow, Martha

Copenhaver, Marion  
Johnson, Gary  
Nordgren, Sharon

### HILLSBOROUGH

Ahern, Richard  
Belvin, William  
Burkush, James  
Cote, David  
Daigle, Robert  
Durham, Susan  
Fields, Dennis  
Foster, Linda  
Ginsburg, Ruth  
Haley, Robert  
Hunter, Bruce  
Keye, Harvey  
LaRose, Richard  
Lozeau, Donnalee

Alukonis, David  
Bergeron, Lucien  
Calawa, Leon, Jr  
Cote, Peter  
Dawe, Eileen  
Dwyer, Paul, Sr  
Fletcher, Richard  
Franks, Suzan  
Goley, Jeffrey  
Hall, Betty  
Jean, Claudette  
Konys, Christine  
Lasky, Bette  
Lynde, Harold

Arthur, Rose  
Bergin, Peter  
Chabot, Robert  
Craig, James  
Dokmo, Cynthia  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Eugene  
Gorman, Mary  
Herman, Richard  
Jean, Loren  
Kurk, Neal  
Leishman, Peter  
Martel, Andre

Baroody, Benjamin  
Buckley, Raymond  
Clemons, Jane  
Curran, James  
Drabinowicz, A  
Emerton, Lawrence  
Ford, Nancy  
Garrish, Linda  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Johnson, Lionel  
LaPorte, George  
Leonard, Peter  
Martin, Mary

McCarthy, William  
Melcher, Harold  
Mosher, William  
Perkins, Paul  
Rowe, Robert  
Tate, Joan  
White, John

McColgan, Philip, Jr  
Mendenhall, Leslie  
Murphy, Robert  
Peterson, Andrew  
Sarette, John  
Thulander, O Alan  
Williams, Carol

McDonald, James, Sr  
Moran, Edward  
O'Connell, Timothy  
Reeves, Sandra  
Sargent, Maxwell  
Turgeon, Roland  
Withee, Dennis

McDonough-Wallace, Alice  
Moriarty, Mary  
O'Hearn, Jane  
Reidy, Frank  
Simon, Anthony  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Crosby, Toni  
Fortnam, Janet  
Hess, David  
Moore, Carol  
Poulin, Dave  
St Cyr, Gerard  
Whalley, Michael

Bouchard, Candace  
Crowell, Peter  
French, Barbara  
Hoadley, Elizabeth  
Nichols, Avis  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Brewster, Richard  
Daneault, Gabriel  
Gile, Mary  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Chase, George  
Davis, Francis  
Hager, Elizabeth  
Leber, William  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, John, Sr  
Griffin, Mary  
Kane, Cecelia  
Lovejoy, Marian  
O'Keefe, Patricia  
Reardon, Neil  
Shelton, Richard  
Stone, Joseph  
Zolla, William

Arndt, Janet  
Christie, Andrew, Jr  
Cote, Patricia  
Dowling, Patricia  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, Phyllis  
Major, Norman  
O'Neil, Michael  
Ruffner, Walter  
Shultis, Elizabeth  
Tufts, J Arthur

Blanchard, MaryAnn  
Clark, Martha  
Cox, Russell  
Downing, Michael  
Gleason, John  
Henderson, Warren  
Kelley, Jane  
Norelli, Terie  
Pantelakos, Laura  
Sabella, Norma  
Splaine, James  
Vaughn, Charles

Bridle, Russell  
Clark, Vivian  
Dearborn, Bruce  
Flanders, David  
Grant, Kenneth  
Johnson, Robert  
Langone, John  
Noyes, Richard  
Pitts, Jacqueline  
Schanda, Frank  
Stickney, Nancy  
Whittier, John

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Gilmore, Gary  
Kaen, Naida  
Lundborn, Raymond  
Rogers, Rose Marie  
Spang, Judith  
Wall, Janet

Brennan, William  
Domingo, Baldwin  
Grassie, Anne  
Keans, Sandra  
Musler, George  
Rollo, Michael  
Torr, Franklin  
Woods, Phyllis

Brown, George  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Callaghan, Frank  
Estabrook, Iris  
Johnson, Nancy  
Lent, Donald  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
McIntyre, Sara

Burling, Peter  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Kibbey, David  
Tuthill, John

Donovan, Thomas, Jr  
Leone, Richard  
Wiggins, Celestine

### NAYS 110

### BELKNAP

Boyce, Robert  
Lawton, Robert

Czech, Stanley  
Rice, Thomas

Johnson, James  
Wendelboe, Francine

Lawton, David

### CARROLL

Babson, David, Jr

Dickinson, Howard

Kenney, Joseph

Mock, Henry

**CHESHIRE**

Roberts, William	Rose, William	Smith, Edwin
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**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
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**GRAFTON**

Alger, John	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Hall, David	Hinman, Harry	Mirski, Paul
Phinney, William	Ward, Brien	Weber, Phil	

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Brundige, Robert	Bruno, Pierre	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Goulet, Maurice	Herman, Keith
Lessard, Rudy	MacGillivray, Jeffrey	McCarty, Winston	McGough, Tim
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Wall, Nancy
White, Donald			

**MERRIMACK**

Feuerstein, Martin	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Soltani, Tony	Whittemore, James	

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Corbin, C David
Dalrymple, Janeen	Dolan, Richard	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Gibbons, Paul	Hutchinson, Karen	Katsakiores, George
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Packard, Sherman	Putnam, Ed, II	Rabideau, Marie
Raynowska, Bernard	Rubin, George	Sapareto, Frank	Stritch, C Donald
Varrell, Thomas	Verani, Giovanni	Weare, Everett	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Brown, Julie	Cossette, Larry	McKinley, Robert
Spear, Barbara	Tsiros, William		

**SULLIVAN**

Phinzy, James	Young, David
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and the report was adopted.

Ordered to third reading.

Rep. Loren Jean voted Yea and intended to vote Nay.

### **HB 113, affirming sovereign immunity as it relates to the Claremont ruling. OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin G. Torr for Finance: This bill proposed expanding sovereign immunity to insure the state is protected from receivership, attorney fees, and costs arising out of the duty to provide an adequate education. The committee amended the bill to reaffirm sovereign immunity. This is being done to make clear that the legislature looked at the sovereign immunity issue with respect specifically to the duty to provide an adequate education and wants it to remain as it is. Past experience indicates the judiciary, at times, moves away from legislative intent, thus the reason for committee action. Vote 17-10.

**Amendment (0051h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Public Officers and Employees; Defense and Indemnification of State Officers and Employees; Claims Arising Out of the Duty to Provide an Adequate Education. Amend RSA 99-D by inserting after section 8 the following new section:

99-D:9 Claims Arising Out of the Duty to Provide an Adequate Education. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, the state hereby reaffirms that the doctrine of sovereign immunity set forth in this chapter is the law of this state and applies to its fullest extent to all claims and civil actions arising under or out of the duty to provide an adequate education, or any statute, rule, or other provision of law defining, providing for, implementing, or funding that duty.

2 Applicability. The provisions of this act shall apply to all claims and civil actions existing on or arising after the effective date of this act.

3 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill reaffirms that sovereign immunity applies to cases arising out of the duty to provide an adequate education.

On a division vote, 209 members having voted in the affirmative and 157 in the negative, the amendment was adopted.

Reps. Manning and John Pratt spoke against.

Rep. Wallin spoke against and yielded to questions.

Reps. Torr and Kurk spoke in favor and yielded to questions.

Rep. Christiansen spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 200 NAYS 173****YEAS 200****BELKNAP**

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Lawton, Robert	Pilliod, James
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine

**CARROLL**

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald	Torressen, Gary	

**CHESHIRE**

Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Smith, Edwin			

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	LaMott, Paul	MacNeil, Allen	Marshall, Gene
Mirski, Paul	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David  
 Beaupre, Roland  
 Calawa, Leon, Jr  
 Clegg, Robert, Jr  
 Desmarais, Vivian  
 Emerton, Lawrence  
 Ford, Nancy  
 Holley, Sylvia  
 LaRose, Richard  
 Martel, Andre  
 Mercer, Robert  
 Mosher, William  
 Pappas, Marc  
 Sargent, Maxwell  
 White, Donald

Andrews, Frederick  
 Belvin, William  
 Carlson, Donald  
 Coughlin, Pamela  
 Desrosiers, William  
 Fields, Dennis  
 Gagnon, Eugene  
 Hunter, Bruce  
 Lessard, Rudy  
 McCarty, Winston  
 Messier, Irene  
 O'Connell, Timothy  
 Pepino, Leo  
 Tate, Joan  
 Withee, Dennis

Arnold, Thomas, Jr  
 Brundige, Robert  
 Chabot, Robert  
 Dalianis, Griffin  
 Durham, Susan  
 Fletcher, Richard  
 Goulet, Maurice  
 Jean, Loren  
 Lozeau, Donnalee  
 McGough, Tim  
 Milligan, Robert  
 O'Hearn, Jane  
 Reeves, Sandra  
 Thulander, O Alan

Batula, Peter  
 Bruno, Pierre  
 Christiansen, Lars  
 Daniels, Gary  
 Dyer, Merton  
 Flora, Kathleen  
 Herman, Keith  
 Kurk, Neal  
 MacGillivray, Jeffrey  
 McRae, Karen  
 Moran, Edward  
 Ouellette, Dean  
 Rowe, Robert  
 Wall, Nancy

**MERRIMACK**

Anderson, Eric  
 Hess, David  
 Larrabee, David, Sr  
 Marple, Richard  
 Whalley, Michael

Brewster, Richard  
 Hoadley, Elizabeth  
 Lavoie, Gerard  
 Nichols, Avis

Crowell, Peter  
 Kennedy, Richard  
 Leber, William  
 Poulin, Dave

Feuerstein, Martin  
 Langer, Ray  
 Lockwood, Priscilla  
 Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
 Bridle, Russell  
 Corbin, C David  
 Dearborn, Bruce  
 Fesh, Robert  
 Francoeur, Sheila  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Major, Norman  
 Morse, Charles  
 O'Neil, Michael  
 Rabideau, Marie  
 Ruffner, Walter  
 Tufts, J Arthur  
 Weyler, Kenneth

Beaulieu, Jon  
 Case, Margaret  
 Cote, Patricia  
 Dolan, Richard  
 Flanagan, Natalie  
 Gleason, John  
 Hutchinson, Karen  
 Kobel, Rudolph  
 McKinney, Betsy  
 Nowe, Mary Lou  
 Packard, Sherman  
 Raynowska, Bernard  
 Stickney, Nancy  
 Varrell, Thomas  
 Whittier, John

Belanger, Ronald  
 Christie, Andrew, Jr  
 Cox, Russell  
 Dowling, Patricia  
 Flanders, David  
 Griffin, Mary  
 Johnson, Robert  
 Langone, John  
 Mikowski, Walter  
 Nowe, Ronald  
 Putnam, Ed, II  
 Reardon, Neil  
 Stone, Joseph  
 Verani, Giovanni  
 Zolla, William

Bishop, Franklin  
 Clark, Vivian  
 Dalrymple, Janeen  
 Dunham, Vivian  
 Flanders, John, Sr  
 Hamel, Albert  
 Katsakiores, George  
 Letourneau, Robert  
 Moore, Benjamin  
 Noyes, Richard  
 Quandt, Marshall  
 Rubin, George  
 Stritch, C Donald  
 Welch, David

**STRAFFORD**

Bickford, David  
 Musler, George  
 Woods, Phyllis

Cossette, Larry  
 Spear, Barbara

Kaen, Naida  
 Torr, Franklin

McKinley, Robert  
 Tsiros, William

**SULLIVAN**

Flint, Gordon, Sr

Jones, Constance

Leone, Richard

Young, David

**NAYS 173****BELKNAP**

Millham, Alida

Rice, Thomas

Salatiello, Thomas

Wood, Jane

**CARROLL**

Kenney, Joseph



**CHESHIRE**

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Zerba, Roger		

**COOS**

Glines, Sara	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Ham, Bonnie	Johnson, Gary	Nordgren, Sharon	Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Bergin, Peter	Buckley, Raymond	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Dawe, Eileen	Dokmo, Cynthia	Drabinowicz, A
Dwyer, Paul, Sr	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lynde, Harold
Martin, Mary	McCarthy, William	McColgan, Philip, Jr	McDonald, James, Sr
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Moriarty, Mary
Murphy, Robert	Perkins, Paul	Peterson, Andrew	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	French, Barbara	Gile, Mary
Hager, Elizabeth	Jacobson, Alf	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cooney, Richard
DiFruscia, Anthony	Downing, Michael	Gibbons, Paul	Grant, Kenneth
Kane, Cecelia	Kelley, Jane	Langley, Jane	Lovejoy, Marian
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Vaughn, Charles		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Keans, Sandra	Knowles, William	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David  
Kibbey, David  
Tuthill, John

Burling, Peter  
McIntyre, Sara  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Donovan, Thomas, Jr  
Robb-Theroux, Amy

and the report was adopted.  
Ordered to third reading.

**SPECIAL ORDER**

**HB 114-FN-A-L**, establishing a local property tax education homestead allowance against school taxes on residential real estate, establishing a fund to reimburse municipalities for such exemptions, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: This bill proposes a local property tax education homestead allowance that, over a six year period, would allow a 50% reduction to homeowners of the local effective school tax rate on the first \$100,000 of their home's appraised value. This allowance will be paid instead to the school district by the state from a fund established for that purpose. While not included in the bill, the sponsors indicated the proposed legislation would work in concert with two additional CACRs the force of which would place the questions of a graduated income tax and legislative control of education policy before NH's voters in November 2000.

While intrigued by the balance of interests encompassed by the proposal, the committee believes that a Claremont solution should be clearly constitutional and not be dependent on unequal local tax rates, or uncertain future CACRs for funding and policy. The concept of a homestead exemption for property tax relief has merit and may be incorporated as part of other Claremont bills. The committee appreciates the sponsors' efforts to provide a "way out" should other Claremont legislation fail. Vote 22-3.

Rep. Boyce moved Re-commit to Committee and spoke in favor.

Rep. Kurk spoke in favor.

Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 116-FN-A-L**, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. O. Alan Thulander for Finance: This bill as originally drafted consists of a 1% alternative consumption tax and a uniform state-wide property tax at a rate to be determined biennially by the commissioner of revenue administration. Municipalities which can fund an adequate education below the uniform state rate pay in the difference to the state to be distributed to those communities which can not fund the adequate education level. The property tax is calculated using the equalized assessed valuation of the municipalities. The consumption component taxes such items as clothing, cars, building materials, medicine, construction, accounting and legal services, entertainment. It is a widely-based tax, and thereby very regressive. This tax would also have an adverse effect on cross-border sales. Since this levy applies to both goods and services, the "cascade effect" comes into play, requiring that raw materials are taxed, the semi-finished goods are taxed and the finished goods are taxed on the total value at each stage in the process. This tax has an unknown impact on the New Hampshire economy and new job creation is uncertain. A late amendment incorporating some features of the "SMART" plan (HB 117 as amended) was presented by the sponsor. However, with the time constraints and the considerable progress made with HB 117 as amended, the majority of the committee felt it to be the better and more comprehensive plan to bring forward for House consideration. Vote 24-3.

Rep. Peterson moved Re-commit to Committee and spoke in favor.

Rep. Kurk spoke in favor.

Rep. Christiansen requested a roll call; sufficiently seconded.

The question being the motion to Re-commit to Committee.

**YEAS 207 NAYS 162****YEAS 207****BELKNAP**

Boriso, Thomas  
Millham, Alida  
Turner, Robert

Boyce, Robert  
Rice, Thomas  
Wendelboe, Francine

Lawton, David  
Rosen, Ralph

Lawton, Robert  
Thomas, John

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth

**CHESHIRE**

Avery, Stephen  
Manning, Joseph

Batchelder, Robert  
Richardson, Barbara

Burnham, Daniel  
Rose, William

Hunt, John  
Smith, Edwin

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Picconi, Al

Alger, John  
Eaton, Stephanie  
MacNeil, Allen  
Scanlan, David

Brothers, Richard  
Gilman, G Michael  
Mirski, Paul  
Ward, Brien

Cobb, John  
Ham, Bonnie  
Phinney, William  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Carlson, Donald  
Dalianis, Griffin  
Durham, Susan  
Fletcher, Richard  
Goulet, Maurice  
Hunter, Bruce  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McGough, Tim  
Milligan, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Simon, Anthony  
White, Donald

Andrews, Frederick  
Bergin, Peter  
Chabot, Robert  
Daniels, Gary  
Dyer, Merton  
Flora, Kathleen  
Hall, Betty  
Jean, Loren  
Leishman, Peter  
Martin, Mary  
McRae, Karen  
Moran, Edward  
O'Hearn, Jane  
Reeves, Sandra  
Tate, Joan  
Withee, Dennis

Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Desmarais, Vivian  
Emerton, Lawrence  
Ford, Nancy  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Mercer, Robert  
Mosher, William  
Ouellette, Dean  
Rowe, Robert  
Thulander, O Alan

Beaupre, Roland  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Dokmo, Cynthia  
Fields, Dennis  
Gagnon, Eugene  
Holley, Sylvia  
LaRose, Richard  
Lozeau, Donnalee  
McDonald, James, Sr  
Messier, Irene  
Murphy, Robert  
Pappas, Marc  
Sargent, Maxwell  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Hess, David  
Langer, Ray  
Nichols, Avis

Brewster, Richard  
Hoadley, Elizabeth  
Larrabee, David, Sr  
St Cyr, Gerard

Crowell, Peter  
Jacobson, Alf  
Leber, William  
Whalley, Michael

Davis, Francis  
Kennedy, Richard  
Marshall, Kenneth  
Whittemore, James

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Cote, Patricia  
DiFruscia, Anthony

Beaulieu, Jon  
Case, Margaret  
Cox, Russell  
Dolan, Richard

Belanger, Ronald  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Dowling, Patricia

Bishop, Franklin  
Clark, Vivian  
Dearborn, Bruce  
Dunham, Vivian

Fesh, Robert  
 Francoeur, Sheila  
 Griffin, Mary  
 Katsakiores, George  
 Letourneau, Robert  
 Nowe, Mary Lou  
 Packard, Sherman  
 Ruffner, Walter  
 Stritch, C Donald  
 Verani, Giovanni  
 Zolla, William

Flanagan, Natalie  
 Gibbons, Paul  
 Hamel, Albert  
 Katsakiores, Phyllis  
 Major, Norman  
 Nowe, Ronald  
 Quandt, Marshall  
 Sapareto, Frank  
 Tufts, J Arthur  
 Welch, David

Flanders, David  
 Gleason, John  
 Henderson, Warren  
 Kobel, Rudolph  
 McKinney, Betsy  
 Noyes, Richard  
 Raynowska, Bernard  
 Stickney, Nancy  
 Varrell, Thomas  
 Weyler, Kenneth

Flanders, John, Sr  
 Grant, Kenneth  
 Johnson, Robert  
 Langone, John  
 Moore, Benjamin  
 O'Neil, Michael  
 Rubin, George  
 Stone, Joseph  
 Vaughn, Charles  
 Whittier, John

## STRAFFORD

Berube, Roger  
 McKinley, Robert  
 Spear, Barbara  
 Woods, Phyllis

Cossette, Larry  
 Musler, George  
 Torr, Franklin

Kaen, Naida  
 Rogers, Rose Marie  
 Tsiros, William

Lent, Donald  
 Spang, Judith  
 Wall, Janet

## SULLIVAN

Flint, Gordon, Sr  
 Robb-Theroux, Amy

Jones, Constance  
 Tuthill, John

Kibbey, David  
 Young, David

Leone, Richard

## NAYS 162

## BELKNAP

Czech, Stanley  
 Salatiello, Thomas

Holbrook, Robert  
 Wood, Jane

Johnson, James

Pilliod, James

## CARROLL

Torressen, Gary

## CHESHIRE

DePecol, Benjamin  
 Lynott, Margaret  
 Pratt, Irene  
 Zerba, Roger

Doucette, Richard  
 McGuirk, Paul  
 Pratt, John

Lerandeau, Alfred  
 Meader, David  
 Riley, William

Lynch, Margaret  
 Mitchell, McKim  
 Robertson, Timothy

## COOS

Glines, Sara  
 Rodrigue, Robert

Hawkinson, Marie

Landers, Dana

Mears, Edgar

## GRAFTON

Almy, Susan  
 Hall, David  
 Solow, Martha

Copenhaver, Marion  
 Johnson, Gary

Densmore, Jessica  
 Marshall, Gene

Guest, Robert  
 Nordgren, Sharon

## HILLSBOROUGH

Ahern, Richard  
 Bergeron, Lucien  
 Clemons, Jane  
 Craig, James  
 Desrosiers, William  
 Franks, Suzan  
 Gorman, Mary  
 Jean, Claudette

Arnold, Thomas, Jr  
 Bruno, Pierre  
 Cote, David  
 Curran, James  
 Drabinowicz, A  
 Garrish, Linda  
 Haettenschwiller, Alphonse  
 Johnson, Lionel

Arthur, Rose  
 Buckley, Raymond  
 Cote, Peter  
 Daigle, Robert  
 Dwyer, Paul, Sr  
 Ginsburg, Ruth  
 Haley, Robert  
 Keye, Harvey

Baroody, Benjamin  
 Burkush, James  
 Coughlin, Pamela  
 Dawe, Eileen  
 Foster, Linda  
 Goley, Jeffrey  
 Herman, Richard  
 Konys, Christine

LaPorte, George  
 McCarthy, William  
 Moriarty, Mary  
 Sarette, John  
 Williams, Carol

Lasky, Bette  
 McColgan, Philip, Jr  
 Pepino, Leo  
 Turgeon, Roland

Lynde, Harold  
 Melcher, Harold  
 Perkins, Paul  
 Vaillancourt, Steve

Martel, Andre  
 Mendenhall, Leslie  
 Reidy, Frank  
 White, John

### MERRIMACK

Bouchard, Candace  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Maxfield, Roy  
 Poulin, Dave  
 Soltani, Tony  
 Yeaton, Charles

Chase, George  
 Fortnam, Janet  
 Lavoie, Gerard  
 Moore, Carol  
 Reardon, Tara  
 Virtue, Carolyn

Crosby, Toni  
 French, Barbara  
 Lockwood, Priscilla  
 Owen, Derek  
 Rodd, Beth  
 Wallin, Jean

Daneault, Gabriel  
 Gile, Mary  
 Marple, Richard  
 Potter, Frances  
 Seldin, Gloria  
 Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
 Corbin, C David  
 Kelley, Jane  
 Morse, Charles  
 Pitts, Jacqueline  
 Sabella, Norma

Blanchard, MaryAnn  
 Downing, Michael  
 Langley, Jane  
 Norelli, Terie  
 Putnam, Ed, II  
 Schanda, Frank

Clark, Martha  
 Hutchinson, Karen  
 Lovejoy, Marian  
 O'Keefe, Patricia  
 Rabideau, Marie  
 Shelton, Richard

Cooney, Richard  
 Kane, Cecelia  
 Mikowski, Walter  
 Pantelakos, Laura  
 Reardon, Neil  
 Shultis, Elizabeth

### STRAFFORD

Bickford, David  
 Callaghan, Frank  
 Estabrook, Iris  
 Johnson, Nancy  
 Pelletier, Marsha  
 Taylor, Kathleen

Brennan, William  
 DeChane, Marlene  
 Gilmore, Gary  
 Keans, Sandra  
 Rollo, Michael  
 Twardus, Joseph

Brown, George  
 Domingo, Baldwin  
 Grassie, Anne  
 Knowles, William  
 Smith, Marjorie  
 Vachon, Dennis

Brown, Julie  
 Dunlap, Patricia  
 Heon, Richard  
 Pelletier, Arthur  
 Snyder, Clair

### SULLIVAN

Allison, David  
 McIntyre, Sara

Burling, Peter  
 Phinizy, James

Cloutier, John  
 Wiggins, Celestine

Donovan, Thomas, Jr

and the motion was adopted.

**HB 117-FN-A-L**, relative to local property taxation and state aid to support an adequate public education and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Neal M. Kurk for the Majority of Finance: HB 117, as amended, funds an adequate education for the state's public school pupils in a way consistent with New Hampshire's traditions and values of limited government and limited taxation. With the sponsor's concurrence, the Committee replaced the original language of the bill with a carefully crafted amendment. This amendment implements a low-rate uniform statewide education property tax that, when combined with the tobacco tax, a uniform utility state education tax, current state expenditures on local education, and a portion of the increase in state revenues, raises \$707 million without raising business tax rates or imposing either an income or sales tax. These sums are dedicated to local public education through a newly created state education trust fund.

The amount raised supports an adequate education for public school pupils in grades one through twelve at an average distribution of \$3,700 per pupil. The adequacy level is based on the recommendations of the Adequate Education Cost and Municipal Grant Distribution Commission in its December 1998 report. This level of funding will raise New Hampshire from last in the nation in state education contribution to the top 20 in the nation. The funds are distributed to each municipality based on the number and needs of its pupils, weighting those needs on such factors as grade level, participation in vocational education, special education, and participation in the free and

reduced school lunch program. The plan goes into effect on April 1, 1999, and thus avoids any disruption in public education programs in the state. Current kindergarten aid, building aid, and catastrophic aid programs are continued unchanged.

The uniform education property tax is set at \$8.50. There is a homestead exemption for all primary homeowners of 25% of the home's value or \$40,000, whichever is less. A four-year phase-in provision eases the burden of a sharp tax increase in those municipalities. This unique phase-in is substantially funded by the additional \$62 million intended for distribution in fall 1999 under the foundation aid formula pursuant to HB 1075 (1998). This amendment supersedes last year's interim plan, thus making those funds available.

The establishment of a hardship relief provision provides further protection for low- and moderate-income homeowners in high property value communities. In those communities homeowners with household income less than 75% of the state median (approx. \$40,000) and who see an increase greater than 20% in the school portion of their property tax are eligible to have a portion of their state education tax abated for each of the first five years. Municipalities with rapidly growing student populations are eligible for additional per pupil adequate education grants.

HB 117 as amended establishes a supplemental education grant of up to \$400 per pupil in addition to and outside of the adequate education grant of \$3,700. This supplemental education grant is available to districts whose equalized value per pupil is less than the state average. This is intended to target the most needy districts.

Local control is continued. School districts may spend on education as much as they choose above the adequacy amount. No limits are placed on how districts operate or spend their budget.

Various provisions deal with implementation of the uniform statewide education property tax. Assessment equalization standards and methods are established so that each municipality will pay its fair share of the tax. Municipal grants will be announced by October 1 of each year to allow school boards and school district meetings to plan their budgets appropriately. The department of education is appropriated \$169,500 for a position and to upgrade school district computers to enable the collection and submission of required data. The department of revenue administration over the next biennium is appropriated \$1 million to upgrade municipal computer systems, and \$2 million for department expenditures in administering and implementing this act.

A permanent, 10-member legislative oversight committee is established. Among other responsibilities, it is charged with (a) reviewing the provision of an adequate education; (b) looking at alternative approaches to calculating the cost of an adequate education, including the "market basket" approach; (c) considering the appropriateness of a fixed or variable statewide education property tax rate; and (d) examining the average daily membership in residence data.

The majority felt that the bill as amended is a constitutional, rational, and appropriate response to the Claremont funding ruling. The Committee has made education funding a priority and as such the funding sources are clearly identified. The state's responsibility as defined in the Claremont decision is to fund an adequate education. The committee firmly believes that \$707 million fulfills that responsibility. Vote 17-10.

Rep. Mary Jane Wallner for the Minority of Finance: Try as they did to improve this bill, with amendment piled on amendment, the majority still could not produce a satisfactory result. After all that's been done, this bill is fatally flawed by its "inadequate" adequacy figure. It won't do the job at \$3,700 per student.

No one should be confused by that number. It disregards "weighted students." The \$708 million pulled together in this bill really means that the adequacy number for an elementary school student is less than \$3100, and kindergarten students are left out of the formula entirely. While we can debate the "ultimate" value of the adequacy number, it must be clear that this figure is unrealistic and sadly lacking. It must also be clear that if this bill is brought to the Court, as it surely will be, it will fail review, be found deficient and be struck down.

This bill also funds itself by taking at least \$75 million from the general fund, without identifying where it will come from in the budget. Given the tightness of the Governor's budget, the use of any sums at this level will have to come from monies for cities and towns or human services. We should not leave ourselves short in the budget process by stealing such massive revenue before the budget process has even begun.

There is no easy fix for this bill because its adequacy number is arbitrarily low, and it generates insufficient new funds. The minority believes the House should reject this bill, and adopt a plan or plans with an appropriate adequacy number, a detailed description of revenue sources, and a source or sources of new revenue sufficient to the task at hand.

Rep. Chandler moved Re-commit to Committee and spoke in favor.

Reps. Rubin and Burling spoke in favor.

Adopted.

**HB 125-FN-L**, implementing the findings and recommendations of the adequate education costs and municipal grant distribution commission for fiscal years 2000 and 2001. **INEXPEDIENT TO LEGISLATE**

Rep. Franklin G. Torr for Finance: This bill incorporates the findings and recommendations of the Adequate Education Costs and Municipal Grant Distribution Commission relative to the cost of a constitutionally-adequate education to be borne by the state and the formula for calculating this cost. These recommendations and findings were the basis for legislation to achieve a constitutionally adequate education law. This issue will be studied further by a legislative oversight committee established in HB 117. Vote 27-0.

Adopted.

**HB 94**, relative to enforcement of the child passenger restraint law. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. John S. Langone for the Majority of Transportation: After a spirited and informative discussion in which both sides presented very cogent points of view, the committee voted 12-6 to pass this bill as presented. This bill provides police with the tools needed to effectively enforce seat belt wearing by youths up to age 18. Seat belt use is the most effective strategy for saving lives and reducing the severe injuries among young drivers and passengers. Vote 12-6.

Rep. Pierre W. Bruno for the Minority of Transportation: This bill increases the age of a primary offense from 12 to 18 years. Drivers between the ages of 16 to 18 years found operating a motor vehicle without wearing a seatbelt will be committing a primary offense. Because of current law regarding any moving violation offense, a teen found not wearing a seatbelt would have their license suspended for 20 days. We find that to be too strong a penalty for an offense that is committed against the person not wearing the seatbelt and which does not affect the safety of others. The seatbelt law for those from 12 to 18 years was enacted in 1997, along with the youth drivers law. We feel that the law thus far has had a positive effect, and that a longer sample period to verify that trend is needed. Therefore, we feel that existing legislation protects individuals from themselves with regard to this issue. We believe that safe driving education is a more appropriate course of action because it would provide the desired effect of reducing motor vehicle accidents and resultant injuries thereof.

Rep. Bruno spoke against and yielded to questions.

Rep. Pilliod spoke in favor and yielded to questions.

Reps. Cossette and Milligan spoke in favor.

Rep. Bruno requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 194 NAYS 174**

**YEAS 194**

**BELKNAP**

Boriso, Thomas  
Pilliod, James  
Thomas, John

Czech, Stanley  
Rice, Thomas  
Turner, Robert

Holbrook, Robert  
Rosen, Ralph  
Wood, Jane

Millham, Alida  
Salatiello, Thomas

**CARROLL**

Howard, Godfrey

Mock, Henry

Torressen, Gary

**CHESHIRE**

Avery, Stephen  
Doucette, Richard

Batchelder, Robert  
Lerandeau, Alfred

Burnham, Daniel  
Lynch, Margaret

DePecol, Benjamin  
Lynott, Margaret

Manning, Joseph  
Riley, William  
Zerba, Roger

Meador, David  
Robertson, Timothy

Pratt, Irene  
Rose, William

Richardson, Barbara  
Russell, Ronald

## COOS

Davis, Perley  
Rodrigue, Robert

Hawkinson, Marie  
Tholl, John, Jr

Landers, Dana

Mears, Edgar

## GRAFTON

Akins, Ralph  
Copenhaver, Marion  
LaMott, Paul  
Solow, Martha

Alger, John  
Densmore, Jessica  
Marshall, Gene

Almy, Susan  
Guest, Robert  
Nordgren, Sharon

Brothers, Richard  
Johnson, Gary  
Picconi, Al

## HILLSBOROUGH

Brundige, Robert  
Cote, Peter  
Dawe, Eileen  
Dyer, Merton  
Foster, Linda  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Konys, Christine  
Lasky, Bette  
McDonald, James, Sr  
Messier, Irene  
Murphy, Robert  
Sargent, Maxwell

Buckley, Raymond  
Craig, James  
Desmarais, Vivian  
Emerton, Lawrence  
Gagnon, Eugene  
Haley, Robert  
Jean, Claudette  
Kurk, Neal  
Leonard, Peter  
McDonough-Wallace, Alice  
Milligan, Robert  
O'Hearn, Jane  
Turgeon, Roland

Chabot, Robert  
Curran, James  
Durham, Susan  
Flora, Kathleen  
Garrish, Linda  
Hall, Betty  
Johnson, Lionel  
LaPorte, George  
McCarthy, Winston  
Melcher, Harold  
Moriarty, Mary  
Reidy, Frank  
White, Donald

Cote, David  
Daigle, Robert  
Dwyer, Paul, Sr  
Ford, Nancy  
Ginsburg, Ruth  
Herman, Richard  
Keye, Harvey  
LaRose, Richard  
McColgan, Philip, Jr  
Mendenhall, Leslie  
Mosher, William  
Rowe, Robert  
White, John

## MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Gile, Mary  
Marshall, Kenneth  
Rodd, Beth  
Whittemore, James

Brewster, Richard  
Davis, Francis  
Hager, Elizabeth  
Potter, Frances  
St Cyr, Gerard  
Yeaton, Charles

Chase, George  
Feuerstein, Martin  
Jacobson, Alf  
Poulin, Dave  
Virtue, Carolyn

Crosby, Toni  
French, Barbara  
Langer, Ray  
Reardon, Tara  
Wallner, Mary Jane

## ROCKINGHAM

Abbott, Dennis  
Clark, Martha  
Downing, Michael  
Gleason, John  
Kane, Cecelia  
Langone, John  
Noyes, Richard  
Putnam, Ed, II  
Shelton, Richard

Blanchard, MaryAnn  
Cox, Russell  
Dunham, Vivian  
Grant, Kenneth  
Katsakiores, George  
Norelli, Terie  
O'Neil, Michael  
Ruffner, Walter  
Shultzis, Elizabeth

Bridle, Russell  
Dearborn, Bruce  
Fesh, Robert  
Griffin, Mary  
Katsakiores, Phyllis  
Nowe, Mary Lou  
Pantelakos, Laura  
Sabella, Norma  
Stritch, C Donald

Case, Margaret  
DiFruscia, Anthony  
Flanders, John, Sr  
Hamel, Albert  
Kelley, Jane  
Nowe, Ronald  
Pitts, Jacqueline  
Schanda, Frank  
Tufts, J Arthur

## STRAFFORD

Brown, George  
Estabrook, Iris  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph

Callaghan, Frank  
Gilmore, Gary  
Lent, Donald  
Rollo, Michael  
Spear, Barbara  
Vachon, Dennis

Cossette, Larry  
Grassie, Anne  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Wall, Janet

Domingo, Baldwin  
Heon, Richard  
Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin  
Woods, Phyllis



**SULLIVAN**

Allison, David  
Flint, Gordon, Sr  
Phinizy, James

Burling, Peter  
Jones, Constance  
Wiggins, Celestine

Cloutier, John  
Kibbey, David

Donovan, Thomas, Jr  
Leone, Richard

**NAYS 174****BELKNAP**

Boyce, Robert  
Wendelboe, Francine

Johnson, James

Lawton, David

Lawton, Robert

**CARROLL**

Babson, David, Jr  
Lyman, L Randy

Bradley, Jeb  
MacDonald, Kenneth

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Hunt, John  
Smith, Edwin

McGuirk, Paul

Mitchell, McKim

Pratt, John

**COOS**

Glines, Sara  
Pratt, Leighton

Guay, Lawrence  
Woodward, David

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Cobb, John  
Hall, David  
Phinney, William

Dudley, Terri  
Ham, Bonnie  
Scanlan, David

Eaton, Stephanie  
Hinman, Harry  
Ward, Brien

Gilman, G Michael  
Mirski, Paul  
Weber, Phil

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Belvin, William  
Burkush, James  
Clegg, Robert, Jr  
Daniels, Gary  
Fields, Dennis  
Goulet, Maurice  
Lefebvre, Roland  
Lynde, Harold  
McCarthy, William  
Moran, Edward  
Pepino, Leo  
Sarette, John  
Vaillancourt, Steve

Alukonis, David  
Baroody, Benjamin  
Bergeron, Lucien  
Calawa, Leon, Jr  
Clemons, Jane  
Desrosiers, William  
Fletcher, Richard  
Herman, Keith  
Leishman, Peter  
MacGillivray, Jeffrey  
McGough, Tim  
O'Connell, Timothy  
Perkins, Paul  
Simon, Anthony  
Wall, Nancy

Andrews, Frederick  
Batula, Peter  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Dokmo, Cynthia  
Goley, Jeffrey  
Hunter, Bruce  
Lessard, Rudy  
Martel, Andre  
McRae, Karen  
Ouellette, Dean  
Peterson, Andrew  
Tate, Joan  
Williams, Carol

Arnold, Thomas, Jr  
Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Dalianis, Griffin  
Drabinowicz, A  
Gorman, Mary  
Jean, Loren  
Lozeau, Donnalee  
Martin, Mary  
Mercer, Robert  
Pappas, Marc  
Reeves, Sandra  
Thulander, O Alan  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Hoadley, Elizabeth  
Leber, William  
Moore, Carol  
Soltani, Tony

Crowell, Peter  
Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis  
Wallin, Jean

Fortnam, Janet  
Larrabee, David, Sr  
Marple, Richard  
Owen, Derek  
Whalley, Michael

Hess, David  
Lavoie, Gerard  
Maxfield, Roy  
Seldin, Gloria

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew, Jr  
Cote, Patricia  
Flanders, David

Beaulieu, Jon  
Clark, Vivian  
Dolan, Richard  
Francoeur, Sheila

Belanger, Ronald  
Cooney, Richard  
Dowling, Patricia  
Gibbons, Paul

Bishop, Franklin  
Corbin, C David  
Flanagan, Natalie  
Henderson, Warren

Hutchinson, Karen  
 Letourneau, Robert  
 Mikowski, Walter  
 Quandt, Marshall  
 Rubin, George  
 Varrell, Thomas  
 Weyler, Kenneth

Johnson, Robert  
 Lovejoy, Marian  
 Morse, Charles  
 Rabideau, Marie  
 Sapareto, Frank  
 Vaughn, Charles  
 Whittier, John

Kobel, Rudolph  
 Major, Norman  
 O'Keefe, Patricia  
 Raynowska, Bernard  
 Stickney, Nancy  
 Verani, Giovanni  
 Zolla, William

Langley, Jane  
 McKinney, Betsy  
 Packard, Sherman  
 Reardon, Neil  
 Stone, Joseph  
 Welch, David

### STRAFFORD

Berube, Roger  
 DeChane, Marlene  
 Keans, Sandra

Bickford, David  
 Dunlap, Patricia  
 McKinley, Robert

Brennan, William  
 Johnson, Nancy  
 Musler, George

Brown, Julie  
 Kaen, Naida  
 Tsiros, William

### SULLIVAN

McIntyre, Sara

Robb-Theroux, Amy

Tuthill, John

Young, David

and the majority report was adopted.

Ordered to third reading.

Rep. Kurk voted Yea and intended to vote Nay.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Burling moved that the House reconsider its action whereby it ordered to third reading *HB 112-FN-A*, increasing the cigarette tax, and spoke against. Reconsideration failed.

### UNANIMOUS CONSENT

Rep. Jacobson addressed the House.

Rep. Thomas moved that the remarks made by Rep. Jacobson be printed in the Journal.

Adopted.

Rep. Jacobson: Thank you, Madam Speaker. I'm sorry to delay your exodus. On this coming Friday it will be the 54<sup>th</sup> anniversary of the landing at Iwo Jima. As all of you that are veterans of this House know, I am annually compelled to remember my colleagues, my buddies who fought and died on Iwo that you and I may continue our freedom. I have been honored by a long life from that and the least I could do was to honor them at least once a year for what they did for me and you. Thank you.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 4, 1999 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

*HB 58*, establishing a committee to study open adoption in New Hampshire.

*HB 253*, allowing ballots to be examined and counted prior to the opening of polls on election day.

*HB 244*, relative to the corporate charter of the Laconia Airport Authority.

*HB 262-L*, relative to emergency expenditures and overexpenditures by school boards.

*HB 364*, relative to expenditure of funds received from the United States on account of national forest lands in this state.

*HB 245-FN*, relative to fees and appropriations to the division of safety services.

*HB 92*, exempting permanently disabled veterans from the requirement of reestablishing their disability status for the division of motor vehicles every 4 years to prove eligibility for special license plates.

**HB 112-FN-A**, increasing the tobacco tax and imposing the tax on all types of tobacco products.  
**HB 113**, affirming sovereign immunity as it relates to the *Claremont* ruling.  
**HB 94**, relative to enforcement of the child passenger restraint law.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:55 p.m.

### RECESS

(Rep. Whalley in the Chair)

### RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 639 through 649, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

#### First, second reading and referral

**HB 639-FN**, relative to motor vehicle registration fees for antique motor vehicles and motorcycles. (Letourneau, Rock 13; Packard, Rock 29; Transportation)

**HB 640-FN**, relative to grievance procedures of managed care organizations. (Hunt, Ches 10; Commerce)

**HB 641-L**, clarifying the value of public utility property for property tax purposes. (MacGillivray, Hills 21; Municipal and County Government)

**HB 642-FN**, relative to the availability of trails under the jurisdiction of the department of resources and economic development. (Babson, Carr 5; Resources, Recreation and Development)

**HB 643-FN-A-L**, transferring the regulation of emergency medical services from the department of health and human services to the department of safety. (McGough, Hills 18; Tholl, Coos 5; Welch, Rock 18; DeChane, Straf 6; Bradley, Carr 8; Roberge, Dist 9; Johnson, Dist 3; Hollingworth, Dist 23; Krueger, Dist 16; Executive Departments and Administration)

**HB 644-FN-A-L**, authorizing the operation of electronic games of chance at pari-mutuel licensee locations. (Vaillancourt, Hills 44; Finance)

**HB 645-FN**, relative to funding for the telecommunications assistance program. (E. Gagnon, Hills 48; Chabot, Hills 48; Thomas, Belk 3; Johnson, Dist 3; J. King, Dist 18; Science, Technology and Energy)

**HB 646-FN**, relative to the vesting period for New Hampshire retirement system benefits. (Dwyer, Hills 43; Executive Departments and Administration)

**HB 647-FN**, relative to health care providers and provider agreements with health insurers. (Gilman, Graf 1; Commerce)

**HB 648-FN**, relative to a sludge testing program. (B. Hall, Hills 20; Environment and Agriculture)

**HB 649-FN**, relative to air pollution emissions from small, high-polluting electricity generators. (MacGillivray, Hills 21; D. White, Hills 25; N. Kaen, Straf 7; Norelli, Rock 31; Science, Technology and Energy)

### RECESS

(Rep. O'Hearn in the Chair)

### RESOLUTION

Rep. MacGillivray offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 650 through 654, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 650-FN-A**, relative to alcohol and drug abuse prevention and making an appropriation therefor. (Leber, Merr 1; Daigle, Hills 28; Cox, Rock 24; Gordon, Dist 2: Executive Departments and Administration)

**HB 651**, revising the speed limit law. (Chandler, Carr 1; Winston McCarty, Hills 38; Tholl, Coos 5; Gordon, Dist 2; McCarley, Dist 6: Transportation)

**HB 652-FN**, relative to victims' assistance, penalty assessments on criminal offenses, and establishing a victims fund which is continually appropriated for district court victim-witness programs. (Lozeau, Hills 30; Knowles, Straf 11; Flora, Hills 15: Criminal Justice and Public Safety)

**HB 653-FN-A**, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. (Downing, Rock 26; Seldin, Merr 17; D'Allesandro, Dist 20; Klemm, Dist 22: Finance)

**HB 654-FN-L**, relative to the disposition or sentencing of persons under 18 years of age who commit certain crimes. (Gilman, Graf 1: Children and Family Law)

**RECESS****(Rep. Whalley in the Chair)****RESOLUTION**

Rep. Leighton Pratt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 25 and 655, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 25-FN-A**, making appropriations for capital improvements. (E. Smith, Ches 6: Public Works and Highways)

**HB 655-FN-A**, making an appropriation from the highway fund to pay the interest and principal on bonds issued for the Cheshire Bridge. (Young, Sull 6; Leone, Sull 2; Jones, Sull 3; Flint, Sull 4; Kibbey, Sull 4: Public Works and Highways)

**RECESS****(Rep. Chandler in the Chair)****RESOLUTION**

Rep. Whalley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 656 through 669, and House Concurrent Resolution numbered 7, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS and HCR****First, second reading and referral**

**HB 656**, relative to the use of personal watercraft on Beaver Lake in the town of Derry. (Langone, Rock 13; Gibbons, Rock 13; Sabella, Rock 13; Leone, Sull 2; Russman, Dist 19: Transportation)

**HB 657-FN**, relative to the health services planning and review board. (Emerton, Hills 7; Batula, Hills 18: Health, Human Services and Elderly Affairs)

**HB 658-FN**, relative to certification and registration requirements for recovery agents who assist bail agents and sureties. (Akins, Graf 14; Dickinson, Carr 2; Murphy, Hills 42; Dokmo, Hills 14: Executive Departments and Administration)

**HB 659**, relative to the use of ski craft on the waters of the state. (Riley, Ches 7; Avery, Ches 8; Manning, Ches 9; Leber, Merr 1; Wheeler, Dist 21; Hollingworth, Dist 23; Johnson, Dist 3; Roberge, Dist 9: Resources, Recreation and Development)

**HB 660**, authorizing the New Hampshire Bar Association to assess bar dues and authorizing the supreme court to assess attorneys for professional conduct and public protection fund fees. (Mirski, Graf 12: Judiciary)

**HB 661-L**, relative to the scope of abatement appeals. (Foster, Hills 10; Stone, Rock 7; V. Clark, Rock 17; Larsen, Dist 15; Below, Dist 5; Squires, Dist 12: Municipal and County Government)

**HB 662-FN**, relative to the duties of the liquor commission. (M. Fuller Clark, Rock 36; Splaine, Rock 34; Keans, Straf 16; Cohen, Dist 24: Commerce)

**HB 663-L**, authorizing the granting of abatements to persons whose children are enrolled in schools other than the local public schools. (Soltani, Merr 10; Bruno, Hills 4; Rabideau, Rock 16: Municipal and County Government)

**HB 664**, establishing a study committee on rights of ownership to cemetery plots. (Knowles, Straf 11: Municipal and County Government)

**HB 665**, relative to the New Hampshire emergency management compact with other jurisdictions. (Alger, Graf 9; Thulander, Hills 6; Weyler, Rock 18: State-Federal Relations and Veterans Affairs)

**HB 666-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances. (Chandler, Carr 1; Scanlan, Graf 11; Gilmore, Straf 11; Stone, Rock 7; Guay, Coos 6; Blaisdell, Dist 10; Johnson, Dist 3; Fraser, Dist 4: Finance)

**HB 667**, relative to the quorum required for sessions of the supreme court. (L. Jean, Hills 17; Wallin, Merr 15; Knowles, Straf 11; Welch, Rock 18; Bradley, Carr 8; Brown, Dist 17; Roberge, Dist 9: Judiciary)

**HB 668**, adding 2 members to the board of directors of the Pease development authority. (Rubin, Rock 25; M. Fuller Clark, Rock 36: Commerce)

**HB 669-FN**, relative to the determination of current comparable compensation for persons with gainful earnings who receive disability retirement benefits. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

**HCR 7**, urging the federal government not to adopt certain proposed rules requiring financial institutions to monitor their customers' banking habits. (Kurk, Hills 5; Hunt, Ches 10; Fraser, Dist 4: State-Federal Relations and Veterans Affairs)

## RECESS

### (Rep. Alukonis in the Chair)

## RESOLUTION

Rep. Sytek offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 670 through 691, Constitutional Amendment Concurrent Resolutions numbered 24 and 25, and House Concurrent Resolution numbered 11, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HCR and CACRs

### First, second reading and referral

**HB 670**, establishing an advisory board to study the future of the New Hampshire automated information system's "Webster" Internet site. (S. Holley, Hills 28; Konys, Hills 33; Major, Rock 16; Howard, Carr 10; Maxfield, Merr 9; Brown, Dist 17; Squires, Dist 12: Executive Departments and Administration)

**HB 671**, adding a member to the council on resources and development. (Fuller Clark, Rock 36: Executive Departments and Administration)

**HB 672-FN-A-L**, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth, and making an appropriation therefor. (Christie, Rock 22; O'Neil, Rock 22; Bridle, Rock 22; Francoeur, Rock 22; Kelley, Rock 22; Hollingworth, Dist 23: Public Works and Highways)

**HB 673-FN-A**, establishing special number plates for emergency medical service providers and firefighters and continually appropriating fees charged for such plates to certain funds. (McGough, Hills 18; Milligan, Hills 18; Goley, Hills 37; Burkush, Hills 45; Reidy, Hills 46; Roberge, Dist 9; Johnson, Dist 3: Transportation)

**HB 674**, relative to the solemnization of marriages. (Robertson, Ches 18: Children and Family Law)  
**HB 675-FN**, extending the applicability of postsecondary educational assistance for New Hampshire national guard members and requiring an annual reporting from state-supported postsecondary institutions. (Thulander, Hills 6; Vaughn, Rock 35; Durham, Hills 22; Gordon, Dist 2; J. King, Dist 18: Education)

**HB 676-FN-A**, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor. (Packard, Rock 29; Bradley, Carr 8; J. Flanders, Rock 18: Transportation)

**HB 677-FN-L**, establishing a teacher compensation advisory board for the purpose of developing a statewide teacher compensation system. (Babson, Carr 5: Education)

**HB 678**, relative to leasing of properties owned by the department of environmental services. (Royce, Ches 9: Public Works and Highways)

**HB 679-FN**, requiring that certain solid waste permit applicants include an environmental impact statement as part of the permit application. (Tuthill, Sull 5: Environment and Agriculture)

**HB 680-FN-A**, establishing a veterans' programs number plate trust fund and a special veterans' programs license plate, to support state veterans' programs (Kenney, Carr 6; Patten, Carr 9; Johnson, Dist 3: Transportation)

**HB 681-FN**, requiring that all moneys received by the state treasurer which are not constitutionally dedicated be deposited in the general fund. (Rubin, Rock 25: Finance)

**HB 682-FN-A**, establishing a statewide program for the removal of graffiti from public property. (Belvin, Hills 14: Public Works and Highways)

**HB 683-FN**, requiring teachers and school administrators to report incidents of disruptive behavior by students. (Gilman, Graf 1: Education)

**HB 684**, allowing the department of health and human services to accept and expend federal reimbursement funds. (Kurk, Hills 5: Finance)

**HB 685-FN-A**, relative to the New Hampshire land and community heritage commission, and making an appropriation therefor. (Fuller Clark, Rock 36; Hager, Merr 18; Musler, Straf 6; Burling, Sull 1; Dokmo, Hills 14; Russman, Dist 19; Johnson, Dist 3; Hollingworth, Dist 23; Blaisdell, Dist 10; Larsen, Dist 15: Resources, Recreation and Development)

**HB 686-FN**, defining the state heritage collections committee's responsibilities and the process for acquiring or disposing of items and collections. (J. Wall, Straf 9; Whittemore, Merr 13; Thulander, Hills 6; Wheeler, Dist 21; Larsen, Dist 15: Executive Departments and Administration)

**HB 687-FN**, establishing the criminal offense of identity fraud. (Hunt, Ches 10; J. Wall, Straf 9; Kurk, Hills 5; Withee, Hills 15: Criminal Justice and Public Safety)

**HB 688**, relative to the custody and escheat of abandoned and unclaimed property. (Dyer, Hills 8: Executive Departments and Administration)

**HB 689-FN**, relative to campaign contributions and expenditures. (Arnold, Hills 20; Jacobson, Merr 2; Hansen, Hills 2; Curran, Hills 9; Burnham, Ches 8; Roberge, Dist 9; Klemm, Dist 22; Larsen, Dist 15; Cohen, Dist 24; Below, Dist 5: Election Law)

**HB 690-FN-L**, relative to establishing a state board for charter schools. (Hunt, Ches 10: Education)

**HB 691-FN**, relative to persons receiving split benefit accidental disability retirement benefit allowances. (Dyer, Hills 8; Christie, Rock 22; J. King, Dist 18: Executive Departments and Administration)

**HCR 11**, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds. (Bradley, Carr 8; MacGillivray, Hills 21; Gilmore, Straf 11; Norelli, Rock 31; Thomas, Belk 3; Below, Dist 5; F. King, Dist 1; Francoeur, Dist 14; Cohen, Dist 24; Hollingworth, Dist 23: State-Federal Relations and Veterans Affairs)

**CACR 24**, relating to county attorneys. Providing that county attorney positions be abolished. (Rubin, Rock 25: Criminal Justice and Public Safety)

**CACR 25**, relating to the election of governor, executive councilors, and senators. Providing that the governor, executive councilors, and senators shall be elected every 4 years. (Clemons, Hills 31; D. Cote, Hills 29; Franks, Hills 26: Election Law)

**(Rep. Doucette in the Chair)****RESOLUTION**

Rep. Russell offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 692 through 699, and 701 through 730, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 692-FN-A**, adopting a single sales factor method of apportionment under the business profits tax. (Mercer, Hills 27; Bradley, Carr 8; Vaughn, Rock 35; Johnson, Dist 3: Finance)

**HB 693-FN**, limiting access to certain business records. (Dickinson, Carr 2; Mock, Carr 3; Kenney, Carr 6; Vaughn, Rock 35; Johnson, Dist 3; F. King, Dist 1: Commerce)

**HB 694-FN**, relative to prevention and prohibition of MTBE contamination of drinking water, wells, and surface and groundwater resources. (Martin, Hills 34; Spang, Straf 8: Science, Technology and Energy)

**HB 695-FN-A**, providing an exemption under the interest and dividends tax for taxpayers on a limited income. (D. White, Hills 25; Brown, Dist 17: Finance)

**HB 696-FN-L**, relative to the taxation of land held by municipalities for water supply purposes. (Patten, Carr 9; Fraser, Merr 21: Municipal and County Government)

**HB 697-FN-L**, relative to the collection and use of boat fees. (Avery, Ches 8: Resources, Recreation and Development)

**HB 698-FN-L**, restricting fees for registration permits for certain vehicles. (Winston McCarty, Hills 38; Chandler, Carr 1: Transportation)

**HB 699-FN-A**, establishing the granite state scholars program and making an appropriation therefor. (Estabrook, Straf 8; M. Smith, Straf 8; Belvin, Hills 14; O'Hearn, Hills 26; Larrabee, Merr 9; Wheeler, Dist 21; Hollingworth, Dist 23: Education)

**HB 701-FN-L**, granting the parents of school children an education voucher for a child to attend a school other than the assigned public school. (Bruno, Hills 4; Soltani, Merr 10; Rabideau, Rock 16; Reeves, Hills 37; Roberge, Dist 9: Education)

**HB 702-FN**, relative to pro-rating the registration fees for recreational campers. (Fenton, Hills 24: Transportation)

**HB 703-FN-A-L**, establishing a regional youth center pilot program in the city of Nashua and making an appropriation therefor. (Lozeau, Hills 30; Knowles, Straf 11: Children and Family Law)

**HB 704-FN-A**, establishing a wildlife damage control program to prevent and redress damage to certain commercial agricultural property, and making an appropriation therefor. (Melcher, Hills 11; Akins, Graf 14; T. Reardon, Merr 23; Owen, Merr 6; Larsen, Dist 15: Wildlife and Marine Resources)

**705-FN-L**, privatizing the functions of the community-technical college system. (Rubin, Rock 25: Education)

**HB 706**, relative to the definition of "sexual contact" under the sexual assault laws. (Welch, Rock 18; Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 707-FN**, relative to the family division of the courts. (Hager, Merr 18; Gilmore, Straf 11: Judiciary)

**HB 708-FN-L**, transferring the county attorneys' offices and the county sheriffs' offices to the department of justice and the unified court system, respectively. (Jacobson, Merr 2: Criminal Justice and Public Safety)

**HB 709-FN-A-L**, relative to the railroad tax. (Chandler, Carr 1; Foster, Hills 10; Alukonis, Hills 23; D'Allesandro, Dist 20; Gordon, Dist 2: Municipal and County Government)

**HB 710-FN**, relative to expanding the availability of lifetime licenses for hunting and fishing. (R. Nowe, Rock 3: Wildlife and Marine Resources)

**HB 711-FN-A**, establishing a special fund to subsidize child custody and support seminars. (Bickford, Straf 1; Jacobson, Merr 2; N. Reardon, Rock 15; A. Pelletier, Straf 12: Children and Family Law)

**HB 712-FN-L**, requiring notification to school districts of certain restraining orders and of the presence, or return to the school, of certain juvenile offenders. (Lundborn, Straf 18; A. Pelletier, Straf 12: Children and Family Law)

**HB 713-FN**, relative to penalties for multiple DWI offenses. (Almy, Graf 14; Sabella, Rock 13; Bradley, Carr 8; Richardson, Ches 12; Mirski, Graf 12: Criminal Justice and Public Safety)

**HB 714-FN**, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison. (Lozeau, Hills 30: Criminal Justice and Public Safety)

**HB 715-FN-A-L**, granting responsibility for court security and custody and control of prisoners while in a courthouse to the county sheriff and abolishing certain court security officer positions. (Hunter, Hills 7; Pepino, Hills 40; Welch, Rock 18; Buckley, Hills 44; Roberge, Dist 9; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

**HB 716-FN**, requiring review of proposed administrative rules by house and senate policy committees. (Hunter, Hills 7; Pepino, Hills 40; Roberge, Dist 9: Executive Departments and Administration)

**HB 717-FN-A**, establishing a child care incentive program for training child care workers, and making an appropriation therefor. (Pilliod, Belk 3; Norelli, Rock 31; Wallner, Merr 24; Seldin, Merr 17; Durham, Hills 22; McCarley, Dist 6: Children and Family Law)

**HB 718-FN-L**, relative to statewide administration and funding of special education in the state of New Hampshire as a single school district. (Vachon, Straf 4: Education)

**HB 719-FN**, relative to procedures regarding children in need of services. (Lyman, Carr 5: Children and Family Law)

**HB 720-FN**, relative to the practice of midwifery. (Rabideau, Rock 16; D. Lawton, Belk 1; Dickinson, Carr 2; Copenhagen, Graf 10; Bradley, Carr 8; Wheeler, Dist 21; Cohen, Dist 24; Larsen, Dist 15: Executive Departments and Administration)

**HB 721-FN**, relative to procedures regarding delinquent children under RSA 169-B. (Lyman, Carr 5; Hansen, Hills 2: Children and Family Law)

**HB 722-FN**, revising the law relative to protection of persons from domestic violence. (Knowles, Straf 11; Hollingworth, Dist 23; Cohen, Dist 24: Criminal Justice and Public Safety)

**HB 723-FN**, relative to standby and emergency guardianship proxies. (M. Fuller Clark, Rock 36; C. Kane, Rock 32; O'Keefe, Rock 21; Keans, Straf 16; P. Dowling, Rock 13; Trombly, Dist 7; D'Allesandro, Dist 20: Children and Family Law)

**HB 724-FN**, relative to an industry average performance system for comprehensive air pollution regulation. (MacGillivray, Hills 21; D. White, Hills 25; N. Kaen, Straf 7: Science, Technology and Energy)

**HB 725**, relative to rulemaking under the administrative procedures act. (Dyer, Hills 8; Hollingworth, Dist 23: Executive Departments and Administration)

**HB 726-FN**, relative to the credentialing of personnel in early care and education programs. (Gile, Merr 16; Pilliod, Belk 3; Estabrook, Straf 8; Wallner, Merr 24; Seldin, Merr 17: Children and Family Law)

**HB 727-FN**, establishing an outdoor lighting code. (E. Gagnon, Hills 48; Chabot, Hills 48; Winston McCarty, Hills 38; M. Fuller Clark, Rock 36; Fields, Hills 18; Cohen, Dist 24; Russman, Dist 19; Larsen, Dist 15; Wheeler, Dist 21: Municipal and County Government)

**HB 728-FN**, relative to per diem reimbursement to legislators for expenses on days of legislative committee meetings. (G. Brown, Straf 17: Legislative Administration)

**HB 729**, adding social clubs recognized by the Internal Revenue Service to the definition of "charitable organization" for purposes of the laws governing raffles. (Chandler, Carr 1; MacNeil, Graf 7; Mock, Carr 3; Gordon, Dist 2; Johnson, Dist 3: Criminal Justice and Public Safety)

**HB 730-FN**, establishing a pilot program for the recording of committee proceedings of the general court. (Copenhagen, Graf 10; Nichols, Merr 2; O'Keefe, Rock 21; Gordon, Dist 2: Legislative Administration)

## RECESS

(Rep. Pilliod in the Chair)

## RESOLUTION

Rep. Dickinson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.



**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

***HB 1-A***, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000, and June 30, 2001. (Kurk, Hills 5: Finance)

RECESS

**(Rep. Turner in the Chair)**

**RESOLUTION**

Rep. Lynch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 731, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

***HB 731-L***, relative to allowing the granting of tax abatements or tax deferrals to owners of open space land. (Lynde, Hills 24: Municipal and County Government)

RECESS

**(Speaker Sytek in the Chair)**

Rep. Packard moved that the House adjourn.  
Adopted.

**HOUSE JOURNAL No. 8**

Thursday, March 4, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Lynn Johnson, Pastor of the West Rumney Community Church.

Holy and Eternal God, author of all that enriches life, creator of new possibilities, we recognize, in these moments, that we are in Your presence and this recognition fills us with humility. Grant to us the quiet and simple wisdom that comes from listening to You and working in unity with others. In Your presence, we find ourselves filled with compassion as we remember the love and care You have lavished upon us. Make us loving stewards of the bounty of material, intellectual and community resources which are Your gifts to us. In Your presence, we find hope and we pray that You will grant us courageous expectation and renewed vigor. We ask Your blessing in all we do today. Keep us faithful in our caring, wise in our words and courageous in our hopes for the future. Amen.

Rep. Robert Lawton led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Courchesne, Drabinowicz, Fenton, Eugene Gagnon, Golden and Knowles, the day, illness. Reps. French, Torr and Weatherspoon, the day, important business.

**INTRODUCTION OF GUESTS**

Alyssa Lyn Virtue, Hal Posselt, Liz Hafidr, Robert Prescott, Deedee Maratea, Richard Vincent, Andy LaBrie, Posy Chandler, John Lenearts, Hillary Nelson and Clair Vanlier, daughter and guests of Rep. Virtue. The Deerfield Community School 4<sup>th</sup> grade class, guests of Reps. Stone and Rebecca Hutchinson. David and Pam Gattuso, guests of Rep. Stone. John Ford, father of Rep. Reeves. Ted Langdon, guest of Reps. Bergin, Belvin, Rowe and Dokmo. Joseph Sabella, husband of Rep. Sabella. Bill Williams and Leslie Honey, guests of Reps. Batchelder, McGuirk and John Pratt. Former NH Rep. Carol Burney, guest of Rep. DeChane. Barbara Brewster, wife of Rep. Brewster. Heather Makechnie, guest of Rep. Leber.

The House of Representatives offered the following:

**HOUSE RESOLUTION NO. 11**

Memorializing State Representative Paul E. St. Hilaire of Berlin

WHEREAS, it is with great sorrow that we have learned of the death of our legislative colleague, Paul E. St. Hilaire, a man who easily did share his cheerfulness and ready smile, and easily did win our affection and admiration, and

WHEREAS, having been in his third term representing District 7 of Coos County, Paul E. St. Hilaire, with high enthusiasm and dedication, did sit on the Standing Committees on Labor, Industrial & Rehabilitative Services, and on Resources, Recreation & Development, and for more than four years on the Statutory Committee on Oil Fund Disbursement, and

WHEREAS, having been born in Berlin, Paul E. St. Hilaire was a man blessed with an abundance of energy and civic pride and did serve the citizenry of his hometown in a myriad of ways including as Ward 2 Councilman, as Ward 2 Water Commissioner, as a member of the Coos County Republican Committee, and as a coach of Little League Baseball, and

WHEREAS, having graduated in 1971 from Notre Dame High School, Paul E. St. Hilaire did possess a high value for his North Country roots and never did hesitate to help those in need, as shown by his work assisting the Coos County Epilepsy Support Group, a division of the Granite State Epilepsy Society, and

WHEREAS, having come from a family that has a long, quite proud tradition of meat cutting, Paul E. St. Hilaire, did become, by following a treasured family recipe, a renowned maker of sausage, and those friends and acquaintances who had the good fortune of partaking say it consistently was the greatest of sausage, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Paul E. St. Hilaire be saluted and granted the highest of accolades for his outstanding and dedicated service to his community and his state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a copy of this Resolution be prepared for presentation to his family.  
Unanimously adopted by a rising vote.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 342**, repealing certain laws pertaining to adverse possession, removed by Rep. Bickford.  
Consent Calendar adopted.

**HB 79**, relative to reports of shortages to the bank commissioner and to safe deposit box openings.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, will require banking institutions to file with the Bank Commissioner the same reports they currently file with their federal regulators. This bill specifically addressed the suspicious activity reports. It is important that the Banking Department be able to monitor these reports in a timely manner. Vote 17-1.

### Amendment (0095h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to reports to the bank commissioner and to safe deposit box openings.

Amend the bill by replacing section 1 with the following:

1 Reports of Proscribed Activity. RSA 384:36 is repealed and reenacted to read as follows:

384:36 Reports of Proscribed Activity. Institutions subject to this chapter shall file with the bank commissioner copies of reports required by the provisions of section 208.20 of the Federal Reserve Board's Regulation H (12 CFR 208.20), Federal Deposit Insurance Corporation regulation Part 353 (12 CFR 353.1 et seq.), and National Credit Union Administration regulation Part 748.1(c) (12 CFR 748.1(c)) as may be amended from time to time. Reports required by this section shall be filed with the bank commissioner at the same time such reports are filed with the institution's federal regulators. A financial institution subject to this section, and any director, officer, employee or agent of such financial institution, that files a report pursuant to this section shall be protected from liability for any disclosure contained therein. All reports filed with the commissioner under this section shall be confidential and shall not be subject to subpoena or to the requirements of RSA 91-A, except that the commissioner shall provide copies of such reports upon request to the New Hampshire department of justice, criminal bureau.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2000.

### AMENDED ANALYSIS

This bill requires that certain reports filed with federal regulatory agencies be filed with the bank commissioner. The bill also removes a requirement for notarization before a justice of the peace of lists and statements involved in the opening of abandoned safe deposit boxes.

**HB 80**, making technical corrections in the banking laws. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Keith R. Herman for Commerce: Several years ago this Legislature passed the bank holding company act. This bill makes corrections to this existing law by removing the word "bank" from the statute so it applies to all holding companies; that is, banks, mutual savings, etc. There was no opposition to this bill. Vote 17-1.

### Amendment (0007h)

Amend RSA 391:1-a as inserted by section 3 of the bill by replacing it with the following:

391:1-a Establishment and Use of Common Trust by Bank Holding Company Affiliates. Any such bank or trust company which is an affiliate of a bank holding company, as defined by the federal Bank Holding Company Act of 1956, as amended, or of a savings and loan **holding** company as defined by the federal Savings and Loan Holding Company Act, as amended, may es-

establish common trust funds for the purpose of furnishing investments to itself as fiduciary, to other affiliates of the same [bank] holding company qualified to act as fiduciary in this state as fiduciary, or to itself and others as co-fiduciaries, or to such other affiliates and others as co-fiduciaries. Subject to the limitations upon the investment of funds held in a fiduciary capacity in common trust funds contained in RSA 391:1, the bank or trust company affiliate of a [bank] holding company establishing such common trust funds and other affiliates of the same [bank] holding company qualified to act as fiduciary in this state may, as such fiduciary or co-fiduciary, invest funds which it lawfully holds for investment in interest in such common trust funds. The bank or trust company establishing, maintaining, or so utilizing any such common trust fund shall comply with and be subject to all of the provisions of this chapter as though such bank or trust company and the other banks or trust companies participating in such common trust fund or funds were one and the same corporate entity. Any person acting as a co-fiduciary with any such bank or trust company is hereby authorized to consent to the investment in interest in a common trust fund or funds created hereunder.

**HB 83**, prohibiting owners and operators of manufactured housing parks from charging residents 65 years of age and older fees for keeping dogs. **INEXPEDIENT TO LEGISLATE**

Rep. Jane S. Langley for Commerce: This bill attempts to waive dog pet fees for the elderly. The committee feels the bill is unnecessary as existing law RSA 674:31 enables what this bill attempts to achieve. The committee feels if a dog pet fee is waived it should be for all residents of mobile homes and this is a different issue. Vote 18-0.

**HB 201**, relative to minimum uninsured motorist liability insurance. **INEXPEDIENT TO LEGISLATE**  
Rep. Stephen G. Avery for Commerce: The committee felt that while we do not have mandatory automobile insurance in New Hampshire, it is important to protect insured motorists from both uninsured and underinsured motorists. This is the fabric that allows the current system to work. Vote 19-0.

**HB 210**, reinstating the corporate charter of C. A. B. Real Estate, Inc. **OUGHT TO PASS**  
Rep. Tim S. McGough for Commerce: The process in current law to reinstate a corporate charter required specific legislation to do so. This legislation along with HB 218 accomplishes a reinstatement for the two organizations mentioned in the titles. Additional legislation pending this session has been filed to address the requirement for specific legislation in the future. Vote 19-0.

**HB 214**, changing the membership of and extending the reporting date for the committee to study women's health care. **OUGHT TO PASS**

Rep. Martha Fuller Clark for Commerce: The committee unanimously agreed with the testimony put forth at the public hearing in support of continuing the work of the women's health care study committee until November 2000 and for enlarging the membership to insure adequate representation so that the work of the committee can move forward in a timely and comprehensive manner. The states of Maine, Vermont and Connecticut are already involved in comparable studies. It is clear that New Hampshire needs to have a better understanding of how it can improve health care services and access for women and girls in this state. Vote 19-0.

**HB 218-L**, reinstating the corporate charter of Approved Industries, Inc. **OUGHT TO PASS**  
Rep. Stephen G. Avery for Commerce: This is a housekeeping bill that reinstates the corporate charter of Approved Industries, Inc. The reinstatement is retroactive to October 31, 1983, which was when it was forfeited because of non-filing. The corporation has paid all fees and a reinstatement fee. Vote 19-0.

**HB 373**, making technical corrections to the securities laws. **OUGHT TO PASS**  
Rep. Keith R. Herman for Commerce: This bill removes department rules and places into statute reporting requirements for brokers and dealers. This will allow greater compliance and oversight for licensees. This bill also extends reporting deadlines by one business day should the deadline date fall on a weekend. This courtesy is extended by other agencies including the IRS and should be extended to licensees covered by this RSA. There was no opposition to this bill. Vote 18-0.

**HB 429**, prohibiting mortgage foreclosures or demands of mortgages during an economic emergency declared by the governor. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: The concern of the sponsor is Y2K related. The bill would prevent mortgage holders from foreclosing on homes should the Governor declare a banking emergency if the banking network fails as a result of Y2K computer problems. While there may be some rational concerns over Y2K issues, the committee is extremely concerned that this bill would only affect mortgages held by state-chartered banks and would offer no protection to the vast majority of out of state and private mortgages. In addition, the Governor's current emergency powers do provide ample protection to bank customers in the event of problems. Vote 17-0.

**HB 203**, making impaired boating laws consistent with driving while intoxicated laws. **OUGHT TO PASS**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill makes two changes to the boating laws. First, in 1996, the legislature said all items under RSA 265:82 (driving while intoxicated) would apply to boating, but it did not include the penalty for refusal to take a breath test. Under RSA 270:58, a refusal for a boater means no loss of license, just up to a \$500 fine for the underlying B.W.I. The change in this bill makes it consistent with the driving laws. Thus, ALS applies and restoration fees apply the same as in driving laws. Second, in section 3(a) of the law "or operating" has been added. By doing this, we are requiring an owner or operator to file an accident report when injuries or death occur. Vote 18-0.

**HB 215**, prohibiting name changes for certain felons. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill, as amended by the committee, prohibits a person from changing his/her name if serving a prison sentence, or on probation or parole, or required to register as a sex offender under RSA 651-B. Only the court may override this and only under compelling circumstances. When amending the original bill, the committee also took into consideration the content of a similar pending senate bill, combining the intents. Vote 18-0.

#### **Amendment (0146h)**

Amend the title of the bill by replacing it with the following:

AN ACT placing restrictions on name changes for certain felons.

Amend the bill by replacing all after the enacting clause with the following:

1 Change of Name. Amend RSA 547:3-i to read as follows:

547:3-i Change of Name.

*I. The probate court may grant the petition of any person to change the name of that person or the name of another person, with the exception of a person serving a prison sentence or on probation or parole, or required to register as a sexual offender or an offender against children pursuant to RSA 651-B. The court shall not require the petitioner to obtain consents to the name change. Except as provided in paragraph II, the court may proceed with or without notice, in accordance with RSA 550:4.*

*II. The court may override the exception under paragraph I only if the petitioner makes a compelling showing that a name change is necessary.*

III. Before the probate court may grant a change of name pursuant to this section, the person petitioning for a name change shall serve a copy of the petition on the department of corrections if the person is incarcerated, or on probation or parole, or on the department of safety if the person is required to register as a sexual offender or an offender against children and is no longer subject to supervision by the department of corrections.

2 Effective Date. This act shall take effect January 1, 2000.

#### **AMENDED ANALYSIS**

This bill places certain restrictions on the rights of certain felons to legally change their names.

**HB 236-FN-L**, relative to felonious disarming of a law enforcement officer. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill made a new crime of taking a firearm from a law enforcement officer. In its original form it gave enhanced penalties of 10-15 years and 5-10 years for violations of sections II(a) and (b) of the bill. The committee elimi-

nated the enhanced penalties and just made it a class A felony (7 ½-15 years) for II(a) and a class B felony (3 ½-7 years) for II(b). We believed that by choosing to become a police officer you were aware that you were on the front line of crime fighting and did in fact face increased dangers. Another reason for doing what we did was that section III of the bill makes any other sentence received under this section consecutive with any other term of imprisonment imposed with respect to the same original episode. We changed section IV(b) – the definition of a law enforcement officer to that in RSA 630:1.II, the capitol murder statute. This definition includes sheriff, deputy sheriff, state police officer, constable or police officer or any city or town, an official or employee of any prison, jail or corrections institution, a probation-parole officer, or a conservation officer. Lastly, we added an affirmative defense section to cover the taking of a weapon to help defend an injured officer or taken to be secured due to injury. Vote 18-0.

#### **Amendment (0174h)**

Amend RSA 642:3-a as inserted by section 1 of the bill by replacing it with the following:

642:3-a Taking a Firearm From a Law Enforcement Officer.

I. Whoever knowingly takes a firearm:

(a) From the person of a law enforcement officer, while such officer is engaged in the performance of official duties; and

(b) Against that officer's will; or attempts to do so, shall be punished as provided in paragraph II.

II. The punishment for an offense under this section is:

(a) In the case of an offense other than an attempt, or an offense that is an attempt during which the firearm is discharged (other than intentionally by the officer), a class A felony; and

(b) In the case of any other offense that is an attempt, a class B felony.

III. It shall be an affirmative defense to prosecution under this section if an individual acts to disarm an officer engaging in felonious conduct or conduct so reckless as to endanger the lives of others. However, a conviction resulting from that conduct need not be obtained to present this defense.

IV. A term of imprisonment imposed under this section shall not run concurrently with any other term of imprisonment imposed with respect to the same criminal episode.

V. In this section:

(a) "Firearm" has the meaning given that term in section 921 of Title 18 of the United States Code.

(b) "Law enforcement officer" means law enforcement officer as defined in RSA 630:1, II.

#### **AMENDED ANALYSIS**

This bill makes the taking of a firearm from a law enforcement officer or an attempted taking of a firearm from a law enforcement officer where the firearm is discharged a class A felony.

**HB 266**, increasing the length of license revocation for first-time DWI offenders. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The subcommittee met twice to discuss this legislation. Members of that committee contacted three judges and two defense attorneys. All five of these professionals agree that the current statute is adequate. The current statute allows license revocation for up to two years at the discretion of the judge. The subcommittees seriously considered recommending ITL, but finally voted re-refer for study in order to further research this bill. The whole committee at executive session moved ITL since the two-year suspension is in place now. Vote 18-0.

**HB 272-FN**, relative to the use of laser pointing devices. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Robert M. Fesh for Criminal Justice and Public Safety: This bill, as presented to the committee, would have created a new section of law that would make the "illuminating" of a motor vehicle or a window with a laser pointer a Class B misdemeanor. It would elevate the penalty to a Class A misdemeanor if a laser device were to be used to illuminate a police officer. The committee was presented with material from manufacturers of laser pointing devices that contained warnings of possible serious injuries to the eyes of an individual who might be the target of such a device. An amendment was presented to the committee that replaces the entire bill and makes it a viola-

tion to "illuminate" an occupied vehicle, window or a person and would confiscate the device upon conviction. These devices are not toys and should be used with care, however, since the most common instances of misuse involve children, it is felt that a fine and confiscation might alert parents that their supervision is needed when there is a lack of responsibility shown by their children. The committee agreed to amend the bill. Vote 18-0.

#### Amendment (0099h)

Amend RSA 631:3-a as inserted by section 1 of the bill by replacing it with the following:

631:3-a Reckless Conduct Involving Laser Pointing Devices.

I. Any person who knowingly uses a laser pointing device to illuminate an occupied motor vehicle, window, or person shall be guilty of a violation and the laser pointing device shall be forfeited after conviction.

II. It shall be an affirmative defense under this section that the laser pointing device was used in an organized meeting or training class by the instructor or speaker.

#### HB 282-FN-A, relative to bomb dogs and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill would appropriate funding for two specially trained bomb dogs. The committee heard that Sen. Gregg has announced that New Hampshire will be receiving federal grants for two dogs. The committee felt that passing this bill might jeopardize this grant and voted to re-refer the bill to await further information. Vote 18-0.

#### HB 302, relative to paint ball guns. OUGHT TO PASS WITH AMENDMENT

Rep. Robert M. Fesh for Criminal Justice and Public Safety: This bill, as presented to the committee, would have created a new section of law regulating sales of "paint ball" guns to anyone under the age of 18. Paint ball guns are devices that propel small cartridges filled with paint to mark the target by means of compressed air supplied at an approved range under most circumstances. Because the nature of the proposed statute was similar to the current RSA 644:14 relative to Air Rifles, it was voted by the committee to include paint ball guns with air rifles which allows the use of such devices at home only under parental supervision for those under 18 or at an approved range under responsible adult supervision. Anyone who supplies such devices to a person under 18 without written consent of a parent or guardian is guilty of a violation. Vote 18-0.

#### Amendment (0064h)

Amend the bill by replacing section 1 with the following:

1 Selling of Paint Ball Guns to Persons Under 18 Years of Age. Amend RSA 644:14 to read as follows:

644:14 Selling Air Rifles *or Paint Ball Guns* to Young Persons. If any person shall sell, barter, rent, lend, or give an air rifle *or paint ball gun* to a person under the age of 18, without the written consent of the parent or guardian, as the case may be, ~~he~~ *such person* shall be guilty of a violation. Air rifles *and paint ball guns* may be used in New Hampshire only in the home of the person under 18 under parental supervision or on an approved range under responsible adult supervision. Air rifles *or paint ball guns* may be possessed by a person under 18 only in his *or her* own home under parental supervision or on the way to or from an approved range that is under the supervision of a responsible adult such as an instructor in gun safety or marksmanship.

#### HB 312, restricting the carrying of firearms in courthouses. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill was to define the "areas used by the court" as it appears in RSA 159:19. It currently is a Class B felony to carry a firearm into an area used by the court. The problem seems to be that there is no consistency in our courthouses as to just what areas are used by the court. Many of our courthouses contain offices of the register of deeds, county attorney and/or country sheriff. An effort by the court to place additional warnings, per RSA 159:19, on various court documents is underway to attempt to minimize those individuals who may appear at a courthouse carrying a firearm. The committee wishes to place the bill into study to allow some time for the court's efforts to bear fruit. Vote 18-0.

**HB 323**, relative to restricting the decibel level of motor vehicle sound systems. **INEXPEDIENT TO LEGISLATE**

Rep. Walter J. Mikowski for Criminal Justice and Public Safety: This bill attempts to restrict the decibel level of noise coming from within motor vehicles. The committee agreed that many communities already impose noise ordinances to cover varying situations. Also, it could be difficult to enforce the restriction of 80 decibels without special equipment in all law enforcement vehicles. The committee agreed to leave this a local issue. Vote 16-1.

**HB 423**, relative to advertisements for sweepstakes and gambling. **INEXPEDIENT TO LEGISLATE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The sponsor felt that the sweepstakes authority should publish more prominently on all their advertisements the fact that the odds of winning are very much against the purchaser. The committee examined all the current advertising and the odds are published completely on each type of ticket and well within the law. We agree that the advertising is very marketing oriented and in some cases extremely seductive but the odds are shown for all to review. Vote 18-0.

**HB 424**, relative to fire protection and warning devices. **INEXPEDIENT TO LEGISLATE**

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill would mandate that all multi-unit dwellings shall have fire suppression systems consisting of automatic or manually operated fire alarm system, non-battery operated smoke detection system, and automatic water sprinkler system in certain areas that meet the approval of the state fire marshal and sets forth a penalty for violation or non-compliance. This action must be complied with by the year 2010. The sponsor of the bill should be commended for his interest in improving the level of fire protection and safety in multi-unit dwellings. However the state fire codes, life safety code, and building codes adopted in accordance with RSA 541-A are more than adequate to insure proper protection for the buildings and occupants. The proposed penalty is less than that required by present law. The deadline of the year 2010 could possibly cause property owners to insist they be allowed to wait until 2010 until they make the necessary improvement resulting in a 10 year period during which no fire safety improvements are made to buildings. Vote: 18-0.

**HB 437**, establishing a study committee on state reimbursement of municipalities for emergency responses along interstate highways. **INEXPEDIENT TO LEGISLATE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The purpose of this bill was to establish a committee to study reimbursement of municipalities for emergency responses of their fire, rescue and police equipment on sections of interstate highways that pass through or abut their municipalities. Currently, RSA 151-B:1 addresses the Reimbursement for Public Agency Response Services under circumstances where negligence was responsible for the accident. On all other occasions the committee felt that it was the abutting town's responsibility to provide emergency response in the same manner that they do for accidents on their own thoroughfares and roads. In addition, to provide reimbursement for incidents handled on the interstate highway system would open up requests for the same treatment for responses on the entire state highway system. Vote 18-0.

**HB 447**, repealing the laws prohibiting certain promotional games. **OUGHT TO PASS**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The law that is being repealed was passed during 1973 to curb a somewhat punitive practice of the major oil companies that forced service stations to participate in promotional games and drawings. Now the situation is reversed and the service stations want to be able to participate if they so desire. No one appeared at the public hearing to testify against the bill and in December 1997, Massachusetts repealed a similar law. Vote 18-0.

**HB 478**, prohibiting smoking in all areas of prisons. **RE-REFER TO COMMITTEE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill would have prohibited smoking by staff and inmates in all state prison facilities by January 1, 2000. At the public hearing, Corrections Commissioner H. Risley explained that this process had already begun. The target date for smoke free prisons is April 1, 1999, for the women's facility and January 1, 2000 for the Concord men's facility. The new Berlin prison will be smoke free. The State Employee's Association supports the ban. The committee decided to re-refer the bill to watch progress on the administrative handling of this situation before passing legislation, which may not be necessary. Vote 18-0.



**HB 349-FN-L**, relative to revising annual grant amounts made for school building aid. RE-REFER TO COMMITTEE

Rep. Robert E. McKinley for Education: The method of funding school building aid is a subject that the Education Committee feels should be studied in depth. This bill, along with HB 273 which covers the same subject, will be studied together. Vote 15-2.

**HB 358**, relative to the term of office for members of the state board of education. OUGHT TO PASS  
Rep. Susan B. Durham for Education: This bill will reduce the term of office for members of the State Board of Education from five years to four years with a maximum of three consecutive terms instead of the current two terms. The intent of these changes is to make it easier to recruit outstanding people to serve on that board. A term of four years seemed to be reasonable. Vote 17-0.

**HB 213**, relative to voting by prisoners OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Election Law: This bill defines, in accordance with the recent court decision, where an incarcerated person may register to vote. The domicile of incarcerated persons shall be that from which they came immediately prior to incarceration. This bill also allows for voting by absentee ballot for incarcerated persons. Vote 15-0.

### Amendment (0120h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Elections; Voters and Checklists; Eligibility; Voters Confined in Penal Institutions. Amend RSA 654 by inserting after section 2 the following new section:

654:2-a Voters Confined in Penal Institutions. The domicile for voting purposes of a person confined in a penal institution shall not include the municipality where the person is confined unless the person was domiciled in that municipality prior to confinement. A person confined in a penal institution who is a citizen of the United States, at least 18 years of age, and not prohibited from voting by Article 11 of Part First of the Constitution of New Hampshire shall have the right to vote absentee in any state election in the town or city in New Hampshire in which such person had his or her domicile immediately prior to such confinement, even though such person no longer maintains a domicile in said town or city and even though his or her intent to return thereto is uncertain, provided:

I. The person complies with all other applicable requirements and qualifications of the state of New Hampshire.

II. The person is not registered to vote in any other state or election district of a state or in any territory or possession of the United States.

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill provides that the domicile for voting purposes of a person confined in a penal institution is the domicile preceding confinement and not the municipality of incarceration.

**HB 286**, establishing a committee to study the issue of an HIV infected person's failure to warn his or her sexual partners that he or she is infected with HIV. INEXPEDIENT TO LEGISLATE  
Rep. McKim W. Mitchell for Judiciary: After several subcommittee meetings on HB 286, including one with County Attorney Michael Johnson, it became apparent that prosecutors have tools already in place to deal with an HIV infected person's failure to warn his or her sexual partner of the risk involved. The committee believes we should be looking more into the area of health and education services rather than the criminal or civil aspects which are already in place. HIV shouldn't be the only disease addressed. What should be addressed is: contagious diseases, reporting, public information programs and education. Vote 16-0.

**HB 306**, relative to discoverability of environmental audit reports. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Rowe for Judiciary: This bill was passed so that the wording of RSA 147-E complies with the requirement of the Federal Environmental Protection Agency. Without this amendment DES would lose up to \$7 million in annual funding. NHDES recommended this amendment. The committee felt pressured and uncomfortable having a federal agency holding a club over our head all in the name of federal money. However, during these times, it felt that it was a wise decision to make the necessary changes. Vote 13-0.

**Amendment (0115h)**

Amend the bill by replacing section 2 with the following:

2 Environmental Audits; Exceptions. RSA 147-E:4, IV is repealed and reenacted to read as follows:

IV. In a civil or administrative proceeding, if the court having jurisdiction under RSA 147-E:6, after an in camera review, determines that the environmental audit was undertaken for a fraudulent purpose, including without limitation the use of the privilege to avoid disclosure to regulators of violations known to exist or reasonably believed to exist by the regulated entity, or commenced by a regulated entity after learning of or receiving an official notice of impending government inspection or investigation.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-6 to read as 5-7:

4 In Camera Proceedings. Amend RSA 147-E:6, I to read as follows:

I. In the event of a dispute in any civil ~~or criminal~~ proceeding over whether an environmental audit report is privileged under RSA 147-E:3, is subject to an exception set forth in RSA 147-E:4, IV, or is nonprivileged under RSA 147-E:5, any party to the proceeding may file with the court having jurisdiction over the matter a motion requesting an in camera hearing to determine whether such environmental audit report or portions thereof are privileged or subject to disclosure. Any such motion shall state the grounds on which the party filing the motion is claiming the privilege or is entitled to disclosure. Upon the filing of such motion, an in camera review shall be conducted as set forth in paragraph III of this section.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect upon its passage.

**HB 255**, authorizing the appointment or election of the combined office of town clerk-tax collector. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: The present system of electing the town clerk retains the direct accountability between the town clerk and the voters and it maintains the independence of the town clerk. This system was incorporated into the New Hampshire Constitution and is working well. The Committee agrees "if it ain't broke, don't fix it." Subsequent to the original Committee vote of ITL, the sponsor submitted an amendment to the bill. After discussion of the amendment, the Committee voted 15-0 not to reconsider the original motion. Vote 15-0.

**HB 268-L**, relative to the rescission of the official ballot form of meeting. OUGHT TO PASS WITH AMENDMENT

Rep. Norma A. Sabella for Municipal and County Government: This bill, as amended, clarifies the adopting question and rescission question of RSA 40:13 (known as SB2). Vote 15-0.

**Amendment (0127h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the adoption and rescission of the official ballot form of meeting.

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-2 to read as 2-3, respectively:

1 Official Ballot Meeting; Adoption of Official Ballot Form of Meeting. Amend RSA 40:14, V to read as follows:

V. The wording of the question shall be: "Shall we adopt the provisions of RSA 40:13 (*known as SB 2*) to allow official ballot voting on all issues before the (local political subdivision)?"

**AMENDED ANALYSIS**

This bill clarifies the wording of the question which proposes the rescission of the official ballot form of meeting.

This bill also clarifies that the official ballot form of meeting is that which is commonly known as SB 2.

**HB 377**, relative to staying adoption of zoning ordinances under certain circumstances. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: The design phase of the planning process is informal, non-binding, and not mandatory. RSA 676:12 V grandfathers projects when they are accepted by the board. This meeting has been noticed and the abutters have been notified. This is a more appropriate time to grandfather a project. Vote 13-0.

**HB 378**, relative to discharge or suspension of county employees. INEXPEDIENT TO LEGISLATE  
Rep. Elizabeth S. Hager for Municipal and County Government: The Committee could find no reason why this suggested change was needed. The counties indicated the current language has not presented any problems. Vote 14-0.

**HB 384-L**, relative to permitting the election of city officers to be held on biennial election day. INEXPEDIENT TO LEGISLATE

Rep. Thomas E. P. Rice for Municipal and County Government: This same proposition was turned down last year for another city. The city of Franklin already has sufficient options. There is great concern about having two or more overcrowded ballots slowing down the voting process to an unacceptable degree, as well as conflicting filing deadlines, absentee balloting, and mixing partisan and non-partisan ballots. Vote 14-0.

**HB 460**, relative to adoption and final approval of master plans for municipalities. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have required legislative body approval of a master plan. The Committee feels that there is no need to affect the master plan process in this way. Vote 13-0.

**HB 461-L**, relative to inclusion of conservation, preservation, and local water resources management provisions in local master plans. INEXPEDIENT TO LEGISLATE

Rep. Thomas E. P. Rice for Municipal and County Government: This bill constitutes an unfunded mandate and is therefore not constitutional. Vote 14-0.

**HB 350-FN**, relative to an additional lane on Route 102 in Chester and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Charles W. Morse for Public Works and Highways: The committee recognizes the hardship this bill places on the local school district. However, this bill would set a precedent for future funding. The committee agrees with Department of Transportation testimony that this bill be Inexpedient to Legislate. The committee and the sponsor will continue to pursue with the DOT avenues to find a solution to this problem. A question was raised regarding a 28-a issue, and the committee felt that since this is a new facility all current regulations need to be met. 28-a would apply if this work was required at the existing facility. Vote 16-0.

**HB 365**, establishing a committee to study the current practice of posting roads and its effect on the economy. OUGHT TO PASS

Rep. John R. Cloutier for Public Works and Highways: The committee majority believes such a study committee is needed after hearing persuasive testimony from the sponsor and a number of concerned citizens. The intent of such a committee would be to inquire how the posting of roads by the state and municipalities could be better and more equitably done so as to possibly lessen any adverse impacts to affected businesses, especially those that rely on trucks. But, the committee should also study if trucks are paying their fair share of any damage to roads in the spring. The Department of Transportation indicated it is in favor of such a study committee. Vote 15-0.

**HB 401**, relative to the International Trade Corridor and Border Crossing Planning and Development Program. INEXPEDIENT TO LEGISLATE

Rep. Bernard J. Raynowska for Public Works and Highways: This bill was filed prior to the filing of an application for funds under the National Corridor Planning and Development Program. Since that time an application has been completed and forwarded to Washington. Due to the filing, this bill requires something to be done that has already been accomplished. The sponsor is in complete agreement. Vote 15-0.

**HB 406-FN-L**, relative to certain private rail lines. **INEXPEDIENT TO LEGISLATE**

Rep. Winston H. McCarty for Public Works and Highways: The committee admires the initiative of the town to be encouraging commercial and industrial development. The committee did believe it would be setting the wrong precedent to spend state monies for railroad crossing signal lights on a newly proposed town road to private land for speculative development. Vote 16-0.

**HB 416-FN-L**, transferring control of all rest areas on state ways to the city or town in which each rest area is situated. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Cloutier for Public Works and Highways: The overwhelming committee majority believes this bill is not needed. There was no testimony from any municipalities that wanted to take over the 15 rest stops now owned and operated by the state. Furthermore, under the bill, if any of the municipalities refused to take over such stops, they would be offered to private owners. But, there was no testimony in favor from any potential private owners. Finally, the Transportation Commissioner stated that he believes such stops are now well operated, and that passage of the bill might force the state to reimburse the federal government for any money originally spent in building such stops. Vote 15-0.

**HCR 4**, urging the U.S. Secretary of Transportation to include U.S. Route 2 as a border corridor highway. **OUGHT TO PASS**

Rep. Edwin O. Smith for Public Works and Highways: This resolution urges the U.S. Secretary of Transportation to include U.S. Route 2 in a funding portion of the TEA 21 federal highway program. Money for this would come from those funds appropriated for border infrastructure improvement, and not affect other funds coming to the state as a result of TEA 21 funding. The state has nothing to lose, and would receive additional funding if included in the federal program. Vote 15-0.

**REGULAR CALENDAR****HB 204-FN**, relative to driving after license revocation or suspension. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill establishes penalties for collisions resulting in injuries or property damage when the collision was caused or contributed to by a driver whose license is under revocation or suspension. Section 1 of this bill makes no changes other than to go to gender neutral language. Section 2 is the new part and the committee amendment is substantially the same as the original bill but we took out the property damage in excess of \$1000. It now says that if you drive while under revocation or suspension and are in an accident that causes death or injury to any person you shall be guilty of a class B felony. We also added a provision saying if you are suspended pursuant to RSA 263:14 (the 20 day administrative suspension) you shall be guilty of only a misdemeanor. We did this because if you are over 20 years old, you would just pay a fine for these minor-moving violations but if you are under 20, you pay a fine and get suspended. We felt that this was the fairest way to do this. Vote 17-1.

**Amendment (0155h)**

Amend RSA 263:64, V-a as inserted by section 2 of the bill by replacing it with the following:

2 New Paragraph; Driving After License Revocation or Suspension. Amend RSA 263:64 by inserting after paragraph V the following new paragraph:

V-a.(a) Except as provided in subparagraph (b), any person who drives a motor vehicle in this state during the period of suspension or revocation of his or her license or driving privilege and is involved in a collision resulting in death or injury to any person shall be guilty of a class B felony, where such person's unlawful operation of the motor vehicle caused or materially contributed to the collision. Evidence that the driver violated any of the rules of the road in causing or materially contributing to the collision is prima facie evidence of unlawful operation of a motor vehicle.

(b) A person violating this section whose license or driving privilege has been suspended pursuant to the provisions of RSA 263:14 only shall be guilty of a misdemeanor.

**AMENDED ANALYSIS**

This bill establishes penalties for collisions resulting in injuries when the collision was caused or contributed to by a driver whose license is under revocation or suspension.

Adopted.

Report adopted and ordered to third reading.

**HB 108-FN-A-L**, establishing a statewide education property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey C. MacGillivray for the Majority of Finance: After this statewide property tax bill was recommitted, the sponsor proposed an amendment which incorporated most of the additional revenues used in HB 117 as amended. This reduced the property tax rate to \$9.99 and significantly decreased the impact on "donor towns", and made HB 108 more like HB 117. We again thank the sponsors for their years of work and their ideas, and for their incorporation of the same additional revenues as in HB 117. However, HB 108 still has a larger adequacy number than HB 117, no homestead exemption, no donor town transition grants, and expands the state kindergarten aid program. These differences explain HB 108's higher statewide property tax rate. The committee has decided to recommend HB 117 as amended instead, with its homestead exemption, its donor town transition grants, continuation of the existing kindergarten program, and targeting of the last few hundred dollars of state aid to property-poor communities. Vote 25-1.

Rep. Steve Vaillancourt for the Minority of Finance: The amendment reduces the statewide property tax rate from \$12 to \$9.99 per thousand. This is accomplished by using, as is done in the SMART plan, \$125 million in cigarette tax money. The amendment goes a long way in reducing the "pain" on so-called donor towns. The amount to be transferred from donor to receiver towns has been reduced from \$133 million to \$63 million, as opposed to the \$52 million (prior to any constitutionally questionable give-back grants) in the SMART plan. The advantage to this bill is in the adequacy amount. Unlike the SMART plan which still contains an unrealistic level of \$708 million, this bill sets adequacy at a rate of \$864 million, \$4000 for elementary students and \$4500 for high school students. That's a compromise from the \$966 million we hear on the Senate side. This bill also targets funding to the communities which need help the most. A special weighting of .4 is allowed for students on free or reduced lunches. SMART proponents realized the wisdom of this approach but limited the weighting to .1. Also, unlike SMART, this bill will pass constitutional muster and not cause us to be back here "fixing" things in a few months. Fair and constitutional, this bill solves the Claremont dilemma with an adequate number and without the disruptive influence of an income or sales tax. And it will provide significant property tax relief to three out of four homeowners in the state.

Rep. Sapareto spoke against and yielded to questions.

Rep. Mirski and Alger spoke against.

Rep. Alukonis spoke in favor.

### **MOTION TO LAY ON THE TABLE**

Rep. Rubin moved that **HB 108-FN-A-L**, establishing a statewide education property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor, be laid on the table.

The motion failed.

The question now being the adoption of the majority report.

Rep. Sapareto requested a roll call; sufficiently seconded.

Without objection, Rep. Sapareto withdrew his request for a roll call.

Rep. Mirski objected and requested a roll call; sufficiently seconded.

### **YEAS 247 NAYS 131**

#### **YEAS 247**

#### **BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Thomas, John

Boriso, Thomas  
Johnson, James  
Rice, Thomas  
Turner, Robert

Boyce, Robert  
Lawton, David  
Rosen, Ralph  
Wendelboe, Francine

Czech, Stanley  
Lawton, Robert  
Salatiello, Thomas

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Torressen, Gary

**CHESHIRE**

Avery, Stephen  
Mitchell, McKim  
Russell, Ronald

Blaisdell, Michael  
Roberts, William  
Smith, Edwin

DePecol, Benjamin  
Rose, William  
Zerba, Roger

Hunt, John  
Royce, H Charles  
.

**COOS**

Davis, Perley  
Tholl, John, Jr

Guay, Lawrence  
Woodward, David

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Ham, Bonnie  
Marshall, Gene  
Picconi, Al

Almy, Susan  
Eaton, Stephanie  
Harmon, Hobart  
Mirski, Paul  
Scanlan, David

Cobb, John  
Gilman, G Michael  
Hinman, Harry  
Nordgren, Sharon  
Ward, Brien

Densmore, Jessica  
Hall, David  
MacNeil, Allen  
Phinney, William  
Weber, Phil

**HILLSBOROUGH**

Ahern, Richard  
Batula, Peter  
Bruno, Pierre  
Clegg, Robert, Jr  
Curran, James  
Desmarais, Vivian  
Dyer, Merton  
Flora, Kathleen  
Haettenschwiller, Alphonse  
Hunter, Bruce  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McDonald, James, Sr  
Milligan, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Rowe, Robert  
Thulander, O Alan  
Withee, Dennis

Alukonis, David  
Beaupre, Roland  
Calawa, Leon, Jr  
Cote, David  
Dalianis, Griffin  
Desrosiers, William  
Emerton, Lawrence  
Ford, Nancy  
Hansen, Herbert  
Jean, Loren  
LaRose, Richard  
Martel, Andre  
McDonough-Wallace, Alice  
Moran, Edward  
O'Connell, Timothy  
Peterson, Andrew  
Sarette, John  
Turgeon, Roland

Andrews, Frederick  
Belvin, William  
Carlson, Donald  
Cote, Peter  
Daniels, Gary  
Dokmo, Cynthia  
Fields, Dennis  
Foster, Linda  
Herman, Keith  
Johnson, Lionel  
Lessard, Rudy  
McCarthy, William  
McGough, Tim  
Moriarty, Mary  
O'Hearn, Jane  
Reeves, Sandra  
Sargent, Maxwell  
Wall, Nancy

Baroody, Benjamin  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Dawe, Eileen  
Durham, Susan  
Fletcher, Richard  
Goulet, Maurice  
Holley, Sylvia  
Kurk, Neal  
Lozeau, DonnaLee  
McCarty, Winston  
Mercer, Robert  
Mosher, William  
Ouellette, Dean  
Reidy, Frank  
Tate, Joan  
White, John

**MERRIMACK**

Anderson, Eric  
Hager, Elizabeth  
Larrabee, David, Sr  
Maxfield, Roy  
Reardon, Tara  
Wallner, Mary Jane

Asplund, Bronwyn  
Hess, David  
Leber, William  
Moore, Carol  
Rodd, Beth  
Whalley, Michael

Bouchard, Candace  
Jacobson, Alf  
Marple, Richard  
Nichols, Avis  
Seldin, Gloria

Feuerstein, Martin  
Kennedy, Richard  
Marshall, Kenneth  
Poulin, Dave  
Soltani, Tony

**ROCKINGHAM**

Abbott, Dennis  
Blanchard, MaryAnn  
Christie, Andrew, Jr  
Cote, Patricia  
Dolan, Richard

Arndt, Janet  
Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Dunham, Vivian

Beaulieu, Jon  
Carson, Gregory  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Robert

Belanger, Ronald  
Case, Margaret  
Corbin, C David  
DiFruscia, Anthony  
Flanagan, Natalie

Flanders, David  
Grant, Kenneth  
Johnson, Robert  
Langley, Jane  
Major, Norman  
Norelli, Terie  
O'Keefe, Patricia  
Putnam, Ed, II  
Reardon, Neil  
Stone, Joseph  
Vaughn, Charles  
Zolla, William

Flanders, John, Sr  
Griffin, Mary  
Katsakiores, George  
Langone, John  
Mikowski, Walter  
Nowe, Mary Lou  
O'Neil, Michael  
Quandt, Marshall  
Rubin, George  
Stritch, C Donald  
Weare, Everett

Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
Letourneau, Robert  
Moore, Benjamin  
Nowe, Ronald  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

Gleason, John  
Hutchinson, Rebecca  
Kobel, Rudolph  
Lovejoy, Marian  
Morse, Charles  
Noyes, Richard  
Priestley, Anne  
Raynowska, Bernard  
Stickney, Nancy  
Varrell, Thomas  
Whittier, John

## STRAFFORD

Berube, Roger  
Estabrook, Iris  
Rollo, Michael  
Tsiros, William

Brennan, William  
Grassie, Anne  
Smith, Marjorie  
Twardus, Joseph

Brown, Julie  
McKinley, Robert  
Spear, Barbara  
Vincent, Francis

Cossette, Larry  
Musler, George  
Taylor, Kathleen  
Woods, Phyllis

## SULLIVAN

Flint, Gordon, Sr  
Phinzy, James

Jones, Constance  
Tuthill, John

Kibbey, David  
Young, David

Leone, Richard

## NAYS 131

## BELKNAP

Wood, Jane

## CARROLL

None

## CHESHIRE

Batchelder, Robert  
Lynch, Margaret  
Meader, David  
Riley, William

Burnham, Daniel  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

Doucette, Richard  
Manning, Joseph  
Pratt, John

Lerandeau, Alfred  
McGuirk, Paul  
Richardson, Barbara

## COOS

Glines, Sara  
Pratt, Leighton

Hawkinson, Marie  
Rodrigue, Robert

Landers, Dana

Mears, Edgar

## GRAFTON

Alger, John  
Johnson, Gary

Brothers, Richard  
Solow, Martha

Copenhaver, Marion

Guest, Robert

## HILLSBOROUGH

Arnold, Thomas, Jr  
Buckley, Raymond  
Craig, James  
Gagnon, Paul  
Gorman, Mary  
Keye, Harvey  
Lefebvre, Roland  
McColgan, Philip, Jr  
Murphy, Robert  
Vaillancourt, Steve

Arthur, Rose  
Burkush, James  
Daigle, Robert  
Garrish, Linda  
Hall, Betty  
Konys, Christine  
Leishman, Peter  
Melcher, Harold  
Ouellette, Mary  
White, Donald

Bergeron, Lucien  
Christiansen, Lars  
Dwyer, Paul, Sr  
Ginsburg, Ruth  
Herman, Richard  
LaPorte, George  
Leonard, Peter  
Mendenhall, Leslie  
Perkins, Paul  
Williams, Carol

Bergin, Peter  
Clemons, Jane  
Franks, Suzan  
Goley, Jeffrey  
Jean, Claudette  
Lasky, Bette  
Lynde, Harold  
Messier, Irene  
Simon, Anthony

**MERRIMACK**

Brewster, Richard	Chase, George	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	Fraser, Marilyn	Gile, Mary
Hoadley, Elizabeth	Langer, Ray	Lavoie, Gerard	Lockwood, Priscilla
Owen, Derek	Potter, Frances	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Bishop, Franklin	Clark, Martha	Cox, Russell	Dowling, Patricia
Downing, Michael	Gibbons, Paul	Hamel, Albert	Hutchinson, Karen
Kane, Cecelia	Kelley, Jane	McKinney, Betsy	Pantelakos, Laura
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Weyler, Kenneth

**STRAFFORD**

Bickford, David	Brown, George	Callaghan, Frank	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Rogers, Rose Marie	Snyder, Clair
Spang, Judith	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
McIntyre, Sara	Robb-Theroux, Amy	Wiggins, Celestine	

and the majority report was adopted.

**HB 114-FN-A-L**, establishing a local property tax education homestead allowance against school taxes on residential real estate, establishing a fund to reimburse municipalities for such exemptions, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: As originally crafted the bill's core concept was to provide a homeowner with a local property tax education homestead allowance of 50% of the first \$100,000 of the home's value. The bill was recommitted to consider new amendments to this proposal.

The amendment offered by the bill's sponsors had both a policy and technical component. The policy change was to accelerate the availability of the full homestead allowance to the tax year 2000 from the previous tax year 2008. The technical provisions addressed the mechanics of the Education Homestead Allowance Fund's operations.

After considering the proposed amendment the majority of Finance believes that the significant original concerns remain. The amended bill leaves in place varying local property tax rates which raises constitutional concerns; does not address education adequacy in any form, and relies on unspecified revenue sources to fund the homestead allowance. Vote 25-1.

Rep. Langley spoke against and yielded to questions.

Reps. Howard and Boyce spoke against.

Rep. Kurk spoke in favor.

**MOTION TO LAY ON THE TABLE**

Rep. Wendelboe moved that **HB 114-FN-A-L**, establishing a local property tax education homestead allowance against school taxes on residential real estate, establishing a fund to reimburse municipalities for such exemptions, and making an appropriation therefor, be laid on the table.

Rep. McGough requested a roll call; sufficiently seconded.

**YEAS 157 NAYS 220**

**YEAS 157**

**BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Rice, Thomas	Rosen, Ralph
Thomas, John	Wendelboe, Francine		



**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Lyman, L Randy  
Philbrick, Donald

Chandler, Gene  
MacDonald, Kenneth  
Torresen, Gary

Dickinson, Howard  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Pratt, Irene

Riley, William

**COOS**

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

Tholl, John, Jr

**GRAFTON**

Alger, John  
Gilman, G Michael  
Hinman, Harry  
Nordgren, Sharon  
Weber, Phil

Cobb, John  
Hall, David  
LaMott, Paul  
Phinney, William

Dudley, Terri  
Ham, Bonnie  
MacNeil, Allen  
Picconi, Al

Eaton, Stephanie  
Harmon, Hobart  
Mirski, Paul  
Ward, Brien

**HILLSBOROUGH**

Alukonis, David  
Bruno, Pierre  
Clegg, Robert, Jr  
Desmarais, Vivian  
Fletcher, Richard  
Holley, Sylvia  
Keye, Harvey  
Lessard, Rudy  
McGough, Tim  
O'Hearn, Jane  
Sargent, Maxwell

Arnold, Thomas, Jr  
Buckley, Raymond  
Daigle, Robert  
Desrosiers, William  
Flora, Kathleen  
Hunter, Bruce  
Konys, Christine  
Lozeau, Donnalee  
McRae, Karen  
Ouellette, Dean  
Wall, Nancy

Batula, Peter  
Chabot, Robert  
Dalianis, Griffin  
Durham, Susan  
Hansen, Herbert  
Jean, Claudette  
Kurk, Neal  
Martel, Andre  
Milligan, Robert  
Reeves, Sandra  
White, Donald

Beaupre, Roland  
Christiansen, Lars  
Daniels, Gary  
Emerton, Lawrence  
Herman, Keith  
Jean, Loren  
Lefebvre, Roland  
McCarty, Winston  
Moran, Edward  
Rowe, Robert  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Langer, Ray  
Whalley, Michael

Asplund, Bronwyn  
Lavoie, Gerard  
Whittemore, James

Hoadley, Elizabeth  
Leber, William

Kennedy, Richard  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Cote, Patricia  
DiFruscia, Anthony  
Flanders, David  
Hamel, Albert  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne  
Ruffner, Walter  
Tufts, J Arthur  
Weyler, Kenneth

Beaulieu, Jon  
Clark, Martha  
Cox, Russell  
Dowling, Patricia  
Francoeur, Sheila  
Henderson, Warren  
Major, Norman  
O'Keefe, Patricia  
Putnam, Ed, II  
Sapareto, Frank  
Varrell, Thomas

Belanger, Ronald  
Clark, Vivian  
Dalrymple, Janeen  
Fesh, Robert  
Gleason, John  
Hutchinson, Karen  
Mikowski, Walter  
O'Neil, Michael  
Rabideau, Marie  
Stickney, Nancy  
Weare, Everett

Bishop, Franklin  
Corbin, C David  
Dearborn, Bruce  
Flanagan, Natalie  
Griffin, Mary  
Langley, Jane  
Nowe, Mary Lou  
Packard, Sherman  
Rubin, George  
Stritch, C Donald  
Welch, David

**STRAFFORD**

Bickford, David  
Spear, Barbara

Kaen, Naida  
Tsiros, William

McKinley, Robert  
Woods, Phyllis

Musler, George

**SULLIVAN**

Burling, Peter

Wiggins, Celestine

Young, David

**NAYS 220****BELKNAP**

Lawton, David  
Turner, Robert

Lawton, Robert  
Wood, Jane

Pilliod, James

Salatiello, Thomas

**CARROLL**

Kenney, Joseph

**CHESHIRE**

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, John  
Rose, William

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Meader, David  
Roberts, William  
Zerba, Roger

DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy

**COOS**

Davis, Perley  
Mears, Edgar

Glines, Sara  
Pratt, Leighton

Hawkinson, Marie  
Rodrigue, Robert

Landers, Dana  
Woodward, David

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Scanlan, David

Almy, Susan  
Guest, Robert  
Solow, Martha

Brothers, Richard  
Johnson, Gary

Copenhaver, Marion  
Marshall, Gene

**HILLSBOROUGH**

Ahern, Richard  
Belvin, William  
Burkush, James  
Cote, David  
Curran, James  
Fields, Dennis  
Gagnon, Paul  
Gorman, Mary  
Herman, Richard  
LaRose, Richard  
Lynde, Harold  
McDonald, James, Sr  
Mercer, Robert  
Murphy, Robert  
Pepino, Leo  
Sarette, John  
Turgeon, Roland

Andrews, Frederick  
Bergeron, Lucien  
Calawa, Leon, Jr  
Cote, Peter  
Dawe, Eileen  
Ford, Nancy  
Garrish, Linda  
Goulet, Maurice  
Johnson, Lionel  
Lasky, Bette  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Messier, Irene  
Nolan-Piteri, Dawn  
Perkins, Paul  
Simon, Anthony  
Vaillancourt, Steve

Arthur, Rose  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Dokmo, Cynthia  
Foster, Linda  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
L'Heureux, Robert  
Leishman, Peter  
McCarthy, William  
Melcher, Harold  
Moriarty, Mary  
O'Connell, Timothy  
Peterson, Andrew  
Tate, Joan  
White, John

Baroody, Benjamin  
Brundige, Robert  
Clemons, Jane  
Craig, James  
Dwyer, Paul, Sr  
Franks, Suzan  
Goley, Jeffrey  
Hall, Betty  
LaPorte, George  
Leonard, Peter  
McColgan, Philip, Jr  
Mendenhall, Leslie  
Mosher, William  
Ouellette, Mary  
Reidy, Frank  
Thulander, O Alan  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Marshall, Kenneth  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Larrabee, David, Sr  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Lockwood, Priscilla  
Moore, Carol  
Poulin, Dave  
St Cyr, Gerard  
Yeaton, Charles

Crosby, Toni  
Fortnam, Janet  
Hess, David  
Marple, Richard  
Nichols, Avis  
Reardon, Tara  
Virtue, Carolyn

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew, Jr

Blanchard, MaryAnn  
Cooney, Richard

Carson, Gregory  
Dolan, Richard

Case, Margaret  
Downing, Michael

Dunham, Vivian  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Lovejoy, Marian  
Norelli, Terie  
Raynowska, Bernard  
Shelton, Richard  
Whittier, John

Flanders, John, Sr  
Johnson, Robert  
Kelley, Jane  
McKinney, Betsy  
Pantelakos, Laura  
Reardon, Neil  
Shultis, Elizabeth  
Zolla, William

Gibbons, Paul  
Kane, Cecelia  
Kobel, Rudolph  
Moore, Benjamin  
Pitts, Jacqueline  
Sabella, Norma  
Stone, Joseph

Grant, Kenneth  
Katsakiores, George  
Langone, John  
Morse, Charles  
Quandt, Marshall  
Schanda, Frank  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Dunlap, Patricia  
Heon, Richard  
Lundborn, Raymond  
Smith, Marjorie  
Twardus, Joseph

Brennan, William  
Cossette, Larry  
Estabrook, Iris  
Johnson, Nancy  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

Brown, George  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Brown, Julie  
Domingo, Baldwin  
Grassie, Anne  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

### SULLIVAN

Allison, David  
Jones, Constance  
Phinizy, James

Cloutier, John  
Kibbey, David  
Robb-Theroux, Amy

Donovan, Thomas, Jr  
Leone, Richard  
Tuthill, John

Flint, Gordon, Sr  
McIntyre, Sara

and the motion failed.

The question now being the adoption of the report.

Rep. Mirski requested a roll call; sufficiently seconded.

### YEAS 295 NAYS 85

### YEAS 295

### BELKNAP

Bartlett, Gordon  
Lawton, Robert  
Turner, Robert

Boriso, Thomas  
Pilliod, James  
Wood, Jane

Holbrook, Robert  
Salatiello, Thomas

Lawton, David  
Thomas, John

### CARROLL

Babson, David, Jr  
Philbrick, Donald

Lyman, L Randy

MacDonald, Kenneth

Patten, Betsey

### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Lynch, Margaret  
Meador, David  
Richardson, Barbara  
Rose, William  
Zerba, Roger

Batchelder, Robert  
Doucette, Richard  
Lynott, Margaret  
Mitchell, McKim  
Riley, William  
Royce, H Charles

Blaisdell, Michael  
Hunt, John  
Manning, Joseph  
Pratt, Irene  
Roberts, William  
Russell, Ronald

Burnham, Daniel  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Robertson, Timothy  
Smith, Edwin

### COOS

Davis, Perley  
Horton, Lynn

Glines, Sara  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

Hawkinson, Marie  
Rodrigue, Robert

### GRAFTON

Akins, Ralph  
Densmore, Jessica  
Hall, David  
MacNeil, Allen  
Scanlan, David

Almy, Susan  
Dudley, Terri  
Ham, Bonnie  
Marshall, Gene  
Solow, Martha

Cobb, John  
Eaton, Stephanie  
Johnson, Gary  
Nordgren, Sharon

Copenhaver, Marion  
Guest, Robert  
LaMott, Paul  
Picconi, Al

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Burkush, James
Calawa, Leon, Jr	Chabot, Robert	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Curran, James
Daigle, Robert	Dalianis, Griffin	Dawe, Eileen	Desmarais, Vivian
Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Foster, Linda
Franks, Suzan	Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Herman, Keith	Herman, Richard	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Kurk, Neal
L'Heureux, Robert	LaPorte, George	LaRose, Richard	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William	McColgan, Philip, Jr
McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Milligan, Robert	Moriarty, Mary
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Mary	Pepino, Leo	Perkins, Paul
Peterson, Andrew	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve	White, John
Williams, Carol	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Crosby, Toni	Crowell, Peter	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
Gile, Mary	Hager, Elizabeth	Hess, David	Jacobson, Alf
Larrabee, David, Sr	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Bridle, Russell	Case, Margaret	Christie, Andrew, Jr	Clark, Vivian
Cooney, Richard	Corbin, C David	Cote, Patricia	Dearborn, Bruce
DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Flanders, David	Flanders, John, Sr	Francœur, Sheila
Gibbons, Paul	Grant, Kenneth	Griffin, Mary	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langone, John	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	O'Keefe, Patricia
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall
Raynowska, Bernard	Reardon, Neil	Rubin, George	Ruffner, Walter
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Tufts, J Arthur	Vaughn, Charles	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin

Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph

Estabrook, Iris  
Johnson, Nancy  
Lundborn, Raymond  
Rollo, Michael  
Spear, Barbara  
Vachon, Dennis

Gilmore, Gary  
Kaen, Naida  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

Grassie, Anne  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Tsiros, William  
Wall, Janet

### SULLIVAN

Allison, David  
Jones, Constance  
Phinizy, James

Cloutier, John  
Kibbey, David  
Robb-Theroux, Amy

Donovan, Thomas, Jr  
Leone, Richard  
Tuthill, John

Flint, Gordon, Sr  
McIntyre, Sara

### NAYS 85

### BELKNAP

Boyce, Robert  
Rosen, Ralph

Czech, Stanley  
Wendelboe, Francine

Johnson, James

Rice, Thomas

### CARROLL

Bradley, Jeb  
Kenney, Joseph

Chandler, Gene  
Mock, Henry

Dickinson, Howard  
Torresen, Gary

Howard, Godfrey

### CHESHIRE

None

### COOS

Landers, Dana

Pratt, Leighton

Toll, John, Jr

Woodward, David

### GRAFTON

Alger, John  
Hinman, Harry  
Weber, Phil

Brothers, Richard  
Mirski, Paul

Gilman, G Michael  
Phinney, William

Harmon, Hobart  
Ward, Brien

### HILLSBOROUGH

Arnold, Thomas, Jr  
Christiansen, Lars  
Flora, Kathleen  
Konys, Christine  
McGough, Tim  
Wall, Nancy

Beaupre, Roland  
Clegg, Robert, Jr  
Goulet, Maurice  
Lefebvre, Roland  
McRae, Karen  
White, Donald

Buckley, Raymond  
Daniels, Gary  
Holley, Sylvia  
Martel, Andre  
Moran, Edward

Carlson, Donald  
Desrosiers, William  
Jean, Loren  
McCarty, Winston  
Ouellette, Dean

### MERRIMACK

Headley, Elizabeth  
Soltani, Tony

Kennedy, Richard  
Whittemore, James

Langer, Ray

Lavoie, Gerard

### ROCKINGHAM

Beaulieu, Jon  
Cox, Russell  
Gleason, John  
Langley, Jane  
Packard, Sherman  
Sabella, Norma  
Varrell, Thomas

Bishop, Franklin  
Dalrymple, Janeen  
Hamel, Albert  
Letourneau, Robert  
Priestley, Anne  
Sapareto, Frank

Carson, Gregory  
Fesh, Robert  
Henderson, Warren  
Mikowski, Walter  
Putnam, Ed, II  
Stickney, Nancy

Clark, Martha  
Flanagan, Natalie  
Hutchinson, Karen  
Noyes, Richard  
Rabideau, Marie  
Stritch, C Donald

### STRAFFORD

Brown, Julie

McKinley, Robert

Woods, Phyllis

SULLIVAN

Burling, Peter                      Wiggins, Celestine                      Young, David

and the report was adopted.

**HB 116-FN-A-L**, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. William S. Belvin for Finance: This bill is based on an Alternative Consumption Tax (ACT) that would apply a 1% tax on New Hampshire goods and services as a revenue base to address Claremont. It then adds a statewide property tax of \$5.07 per \$1,000 of assessed valuation as well as other funds from tobacco and utility tax to raise \$829 million for education funding. The bill was recommitted to allow the sponsors time for additional amendments.

The offered amendment made material changes to the legislation. The statewide property tax rate has been reduced to \$4.74. The ACT funding estimate is now \$327 million net of expenses. The tobacco tax increases proposed in HB 112 is included but the Tobacco State Settlement moneys from the industry are removed from the dedicated education fund. Also removed from the ACT tax are all medical services and HMOs. The distribution formula now includes a poverty weighting based on school lunch program data, and an additional feature is included to encourage education expenditures above the adequacy level through additional state aid to property poor towns. Lastly a collection fee of 3% of the taxes actually collected is included to assist the state's businesses in their collecting and remitting the tax to DRA.

The committee recognizes the sponsor's significant and sincere efforts to assemble a comprehensive proposal to solve the education funding issue. Should there be a need for additional revenue sources, the services base for the ACT tax represents an important option. However, the revenue estimates in this amended version of the bill need additional verification. In order to allow the bill's unique features to remain under consideration, and to improve the revenue estimates' accuracy, the Finance Committee recommends the bill be re-referred to committee. A motion to table the bill will be made to keep this creative option before us. In the meantime, the LBA has been asked to work on the revenue estimates in detail Vote 17-9.

Rep. Kurk spoke in favor.

LAID ON THE TABLE

Rep. Peterson moved that **HB 116-FN-A-L**, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor, be laid on the table.

Rep. Scanlan requested a roll call; sufficiently seconded.

YEAS 225 NAYS 153

YEAS 225

BELKNAP

Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, James
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine

CARROLL

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Avery, Stephen	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley  
Landers, Dana  
Tholl, John, Jr

Glines, Sara  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

Horton, Lynn  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Cobb, John  
Hall, David  
MacNeil, Allen  
Scanlan, David

Alger, John  
Copenhaver, Marion  
Ham, Bonnie  
Marshall, Gene  
Ward, Brien

Almy, Susan  
Eaton, Stephanie  
Harmon, Hobart  
Nordgren, Sharon  
Weber, Phil

Brothers, Richard  
Gilman, G Michael  
LaMott, Paul  
Picconi, Al

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Buckley, Raymond  
Christiansen, Lars  
Daigle, Robert  
Desmarais, Vivian  
Fields, Dennis  
Goulet, Maurice  
Herman, Richard  
Jean, Loren  
LaRose, Richard  
Leonard, Peter  
McColgan, Philip, Jr  
Moran, Edward  
O'Hearn, Jane  
Sargent, Maxwell  
White, Donald

Alukonis, David  
Batula, Peter  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Dalianis, Griffin  
Dokmo, Cynthia  
Flora, Kathleen  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Keye, Harvey  
Lasky, Bette  
Lozeau, Donnalee  
McGough, Tim  
Murphy, Robert  
Ouellette, Dean  
Simon, Anthony  
Withee, Dennis

Andrews, Frederick  
Belvin, William  
Carlson, Donald  
Coughlin, Pamela  
Daniels, Gary  
Durham, Susan  
Ford, Nancy  
Hansen, Herbert  
Hunter, Bruce  
Konys, Christine  
Lefebvre, Roland  
Martel, Andre  
Mercer, Robert  
Nolan-Piteri, Dawn  
Peterson, Andrew  
Tate, Joan

Arnold, Thomas, Jr  
Bergin, Peter  
Chabot, Robert  
Curran, James  
Dawe, Eileen  
Emerton, Lawrence  
Gagnon, Paul  
Herman, Keith  
Jean, Claudette  
Kurk, Neal  
Leishman, Peter  
McCarty, Winston  
Milligan, Robert  
O'Connell, Timothy  
Rowe, Robert  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Davis, Francis  
Hoadley, Elizabeth  
Marshall, Kenneth  
St Cyr, Gerard

Asplund, Bronwyn  
Fortnam, Janet  
Kennedy, Richard  
Nichols, Avis  
Whalley, Michael

Bouchard, Candace  
Gile, Mary  
Leber, William  
Rodd, Beth

Crowell, Peter  
Hager, Elizabeth  
Lockwood, Priscilla  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Carson, Gregory  
Clark, Vivian  
Dearborn, Bruce  
Francoeur, Sheila  
Hutchinson, Karen  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Pantelakos, Laura  
Rubin, George  
Splaine, James  
Vaughn, Charles  
Whittier, John

Beaulieu, Jon  
Case, Margaret  
Cote, Patricia  
DiFruscia, Anthony  
Gibbons, Paul  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Pitts, Jacqueline  
Ruffner, Walter  
Stone, Joseph  
Weare, Everett  
Zolla, William

Bishop, Franklin  
Christie, Andrew, Jr  
Cox, Russell  
Dolan, Richard  
Griffin, Mary  
Kane, Cecelia  
Letourneau, Robert  
Mikowski, Walter  
O'Neil, Michael  
Priestley, Anne  
Schanda, Frank  
Tufts, J Arthur  
Welch, David

Bridle, Russell  
Clark, Martha  
Dalrymple, Janeen  
Dowling, Patricia  
Henderson, Warren  
Kelley, Jane  
Lovejoy, Marian  
Moore, Benjamin  
Packard, Sherman  
Rabideau, Marie  
Shelton, Richard  
Varrell, Thomas  
Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
Kaen, Naida  
Rogers, Rose Marie  
Wall, Janet

Callaghan, Frank  
Lent, Donald  
Spear, Barbara  
Woods, Phyllis

DeChane, Marlene  
McKinley, Robert  
Taylor, Kathleen

Domingo, Baldwin  
Musler, George  
Vincent, Francis

**SULLIVAN**

Burling, Peter  
Leone, Richard  
Young, David

Flint, Gordon, Sr  
McIntyre, Sara

Jones, Constance  
Tuthill, John

Kibbey, David  
Wiggins, Celestine

**NAYS 153****BELKNAP**

Boriso, Thomas  
Pilliod, James

Boyce, Robert  
Rice, Thomas

Lawton, David  
Salatiello, Thomas

Lawton, Robert  
Wood, Jane

**CARROLL**

Howard, Godfrey

Torressen, Gary

**CHESHIRE**

Batchelder, Robert  
Lynott, Margaret

Blaisdell, Michael  
Robertson, Timothy

Burnham, Daniel  
Russell, Ronald

DePecol, Benjamin

**COOS**

Hawkinson, Marie

Rodrigue, Robert

Woodward, David

**GRAFTON**

Densmore, Jessica  
Johnson, Gary

Dudley, Terri  
Mirski, Paul

Guest, Robert  
Phinney, William

Hinman, Harry  
Solow, Martha

**HILLSBOROUGH**

Baroody, Benjamin  
Bruno, Pierre  
Craig, James  
Foster, Linda  
Goley, Jeffrey  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McRae, Karen  
Moriarty, Mary  
Perkins, Paul  
Turgeon, Roland  
Williams, Carol

Beaupre, Roland  
Burkush, James  
Desrosiers, William  
Franks, Suzan  
Gorman, Mary  
LaPorte, George  
McCarthy, William  
Melcher, Harold  
Mosher, William  
Reeves, Sandra  
Vaillancourt, Steve

Bergeron, Lucien  
Clemons, Jane  
Dwyer, Paul, Sr  
Garrison, Linda  
Hall, Betty  
Lessard, Rudy  
McDonald, James, Sr  
Mendenhall, Leslie  
Ouellette, Mary  
Reidy, Frank  
Wall, Nancy

Brundige, Robert  
Cote, Peter  
Fletcher, Richard  
Ginsburg, Ruth  
Johnson, Lionel  
Lynde, Harold  
McDonough-Wallace, Alice  
Messier, Irene  
Pepino, Leo  
Sarette, John  
White, John

**MERRIMACK**

Brewster, Richard  
Fraser, Marilyn  
Larrabee, David, Sr  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Chase, George  
Hess, David  
Lavoie, Gerard  
Owen, Derek  
Seldin, Gloria  
Whittemore, James

Daneault, Gabriel  
Jacobson, Alf  
Marple, Richard  
Potter, Frances  
Virtue, Carolyn  
Yeaton, Charles

Feuerstein, Martin  
Langer, Ray  
Maxfield, Roy  
Poulin, Dave  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Corbin, C David  
Flanagan, Natalie  
Grant, Kenneth

Belanger, Ronald  
Downing, Michael  
Flanders, David  
Hamel, Albert

Blanchard, MaryAnn  
Dunham, Vivian  
Flanders, John, Sr  
Hutchinson, Rebecca

Cooney, Richard  
Fesh, Robert  
Gleason, John  
Katsakiores, George



Katsakiores, Phyllis  
Noyes, Richard  
Raynowska, Bernard  
Shultis, Elizabeth

Langone, John  
O'Keefe, Patricia  
Reardon, Neil  
Stickney, Nancy

Morse, Charles  
Putnam, Ed, II  
Sabella, Norma  
Stritch, C Donald

Norelli, Terie  
Quandt, Marshall  
Sapareto, Frank

### STRAFFORD

Bickford, David  
Cossette, Larry  
Grassie, Anne  
Lundborn, Raymond  
Snyder, Clair  
Vachon, Dennis

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
Pelletier, Arthur  
Spang, Judith

Brown, George  
Estabrook, Iris  
Johnson, Nancy  
Rollo, Michael  
Tsiros, William

Brown, Julie  
Gilmore, Gary  
Keans, Sandra  
Smith, Marjorie  
Twardus, Joseph

### SULLIVAN

Allison, David  
Robb-Theroux, Amy

Cloutier, John

Donovan, Thomas, Jr

Phinizy, James

and the motion was adopted.

### VACATE

Rep. Packard moved that the House vacate the reference of **HB 610-FN-A-L**, prohibiting the use of wheeled OHRVs on trails maintained by the bureau of trails during the winter, to the Committee on Transportation.

Adopted and referred to Resources, Recreation and Development.

### RECESS

### (Rep. Jacobson in the Chair)

**HB 117-FN-A-L**, relative to local property taxation and state aid to support an adequate public education and making an appropriation therefor. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Neal M. Kurk for the Majority of Finance: HB 117, the SMART plan, as amended by the Committee, fully addresses education funding issues within the existing framework of our current tax system. It does so without an income tax or a sales tax and without expanded gambling. The SMART plan preserves the New Hampshire advantage.

The SMART plan sets the cost of an adequate education at an average of \$3700 per pupil, with a provision for supplementary grants of up to \$400 per pupil to property-poor communities. State building aid, kindergarten aid, and catastrophic special education aid are continued in their present form. The SMART plan funds its \$707 million cost with an \$8.75 per thousand statewide property tax. In effect, this tax replaces part of the school portion of the local property tax. The plan provides for a 25% homestead exemption for a taxpayer's primary residence (capped at \$40,000) and a phased-in, five-year hardship exemption for individuals in donor communities whose school property taxes increase by more than 20% in a year. Additional revenue comes from an \$8.75 statewide tax on utility property; the tobacco tax, including the recently passed increase; the nuclear property tax; Sweepstakes revenues; and the school portion of revenue sharing. As a result, some 180 communities will see their property taxes decrease.

The amendment includes a new property tax transition grant to donor communities. The purpose of the grant is to mitigate the effect of the statewide property tax on low-income property owners. The Committee believes that it is better policy to help property-poor communities without harming property-rich communities. These grants are not like the unconstitutional ABC abatements, because the grants are not abatements of taxes but, like revenue sharing, are appropriations from the general fund. Further, the proposal allows for the community to best decide how the funds can and should be utilized. If the funds are used to reduce property taxes, almost all communities will see their property tax burden decrease.

The plan funds grants of \$46 million to offset the \$52 million of statewide property tax paid in by the donor communities. Municipalities will decide how to use these funds. This new grant program makes the phase-in program unnecessary, and it has been removed from the SMART plan.

The Committee understands the concerns expressed by the municipalities about the administrative impact of the implementation of a statewide property tax. Therefore a formal subcommittee has been established that is committed to working with the NH Municipal Association and others to address and resolve those concerns. Vote 16-10.

Rep. Mary Jane Wallner for the Minority of Finance: After all that's been done, this bill is still fatally flawed by its "inadequate" adequacy figure. It won't do the job at \$3,700 per student.

No one should be confused by that number. It disregards "weighted students." The \$708 million pulled together in this bill really means that the adequacy number for an elementary school student is less than \$3,100, and kindergarten students are left out of the formula entirely. While we can debate the "ultimate" value of the adequacy number, it must be clear that this figure is unrealistic and sadly lacking. It must also be clear that if this bill is brought to the Court, as it surely will be, it will fail review, be found deficient and be struck down.

This bill also funds itself by taking at least \$75 million from the general fund, without identifying where it will come from in the budget. Given the tightness of the Governor's budget, the use of any sums at this level will have to come from monies for cities and towns or human services. We should not leave ourselves short in the budget process by stealing such massive revenue before the budget process has even begun.

There is no easy fix for this bill because its adequacy number is arbitrarily low, and it generates insufficient new funds. The minority believes the House should reject this bill, and adopt a plan or plans with an appropriate adequacy number, a detailed description of revenue sources, and a source or sources of new revenue sufficient to the task at hand.

The Property Tax Transition Grant which is added in this amended version contains a formula for returning funds to donor communities purportedly to alleviate the harm to low income people. But the formula contained in this bill does not accomplish its intended goal.

The latest amendment, developed last week with the intent of easing the pain of donor communities, could in fact end up hurting donor communities even more. Their payment level is increased from \$48 to \$52 million and should the grant language be struck down as unconstitutional, the entire \$52 million would be due in the first year, because the four year phase-in has been eliminated. Thus, donor towns would owe \$52 million rather than \$12 million. That's far from an easing of the pain. Local municipalities have been urging the Finance Committee to include provisions in this bill which would address the issues facing communities in collecting a state property tax. Even though we had the extra time, the committee did not address the needs of the municipalities.

Rep. Burling requested a quorum court. The Chair declared a quorum present.

### CLERK'S NOTE

The Committee amendment (0224h) was not considered.

Rep. Kurk offered a floor amendment (0262h).

#### Floor Amendment (0262h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a uniform education property tax to provide funding for an adequate public education and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Intent.

1.(a) The New Hampshire supreme court has ruled that the state has a duty to fund a constitutionally adequate education for public elementary and secondary pupils. The state has long relied upon a system of localized property taxation to fund education, a system to which many have become accustomed and about which economic forces have acquired settled expectations. The court, however, has said that such system violates the constitutional requirement that all taxes levied in the state be proportional and reasonable. A fiscal policy based upon property taxation, according to the court's interpretation, must be "equal in valuation and uniform in rate throughout the state." Acknowledging that reorganization of the revenue raising structure for public elementary and secondary education is now compelled, the general court chooses hereby to do so in a manner that is the least disruptive of settled economic expectation and social fabric of the community.

(b) By this act the general court establishes a fair taxation policy intended to preserve local control of public schools and retain the incentive for parental and local community participation in

the education of the children of New Hampshire. Such involvement is essential to the maintenance of the quality of the state's educational institutions which have heretofore produced high scores on comparative measures of educational outcome. The general court recognizes that disparity exists among cities and towns relative to their ability to raise basic expenses of an adequate public education. Assistance, where required, must be supplied. Recognition is also accorded to the principle of home ownership. Homeowners provide a substantial commitment to the communities in which they live, which is essential to the quality of life in New Hampshire.

(c) The following are intended to carry out this legislative purpose:

(1) Impose a uniform state tax at the lowest possible rate consistent with providing funding for educational adequacy throughout the state.

(2) Subsidize with state grants funded from other sources municipalities whose property base is insufficient to support an adequate education.

(3) Preserve and foster home ownership by providing a measure of tax relief to all resident homeowners, with proportionately greater benefit to those of low or moderate means.

II.(a)(1) A statewide property tax levied at a uniform rate upon equalized property values is generally an equitable method for funding an adequate education. However, reorganizing the existing system will inevitably upset to some degree the delicate balance of social and economic forces at work in the state. A uniform state tax rate will increase property taxes in cities and towns with relatively higher property values. The immediate effect of such increase will be felt disproportionately by homeowners with limited means. The tax may also have a dramatic effect upon certain classes of property such as utility property. Utility property is highly susceptible to interjurisdiction assessment variation and exacerbates the disparity among municipalities. An additional potential problem is the specter of competitive underassessment among cities and towns as the effects of the statewide tax begin to be felt.

(2) In cities and towns with relatively higher property values, sharp increases in property taxes may cause business failure where fixed costs increase faster than the ability to recoup them. Commercial rental property owners may find themselves locked in by lease provisions that prevent them from recouping tax increases from tenants, resulting in reduced reinvestment in the property, and potential foreclosure or bankruptcy. Also substantial increases in property tax obligations may cause or permit lenders to foreclose on mortgage notes based on the decreased ability of the borrower to meet the income level required by the lender because of the higher total mortgage payment obligations. Tax capitalization which decreases property values may also cause foreclosures on otherwise performing loans because the regulated lending institution must call the loan to comply with rules and regulations.

(b) The following are intended to mitigate these consequences so far as is practicable:

(1) Provide a phase-in of tax increases over 4 years for those municipalities that will collect more money in property taxes at the statewide rate than is required to fund an adequate education for the municipality.

(2) Provide additional relief to low and moderate income homeowners in high property value cities and towns to level the immediate effect of property tax increases occurring upon implementation of the statewide tax and allow time for the effect of tax capitalization to reallocate property values.

(3) Stabilize valuation of utility property by removing it from the local base for purposes of educational adequacy funding and taxing such property at the state level for distribution through an educational fund.

(4) Forestall the possibility of interjurisdictional assessment variations by increasing the level of state oversight in the equalization process.

2 New Subparagraph; Education Trust Fund. Amend RSA 6:12, I by inserting after subparagraph (vvv) the following new subparagraph:

(www) Money received under RSA 78, RSA 83-D, RSA 83-F, RSA 198:49 and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

3 Gender Reference Change. Amend the introductory paragraph of RSA 21-J:3 to read as follows: In addition to the powers, duties, and functions otherwise vested by law, including RSA 21-G, in the commissioner of the department of revenue administration, [he] *the commissioner* shall:

4 Duties of Commissioner. Amend RSA 21-J:3, V to read as follows:

V. Exercise general supervision over the administration of the assessment and taxation laws of the state, *the appraisal for ad valorem taxation purposes of property within the state*, and over all assessing officers in the performance of their duties, except the board of tax and land appeals, to the end that all assessments of property be made in compliance with the laws of the state.

5 Duties of Commissioner. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually the valuation of the property in the several towns, cities, and unincorporated places in the state by adding to or deducting from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 73:27; and 73:11 through 16 inclusive, which were relieved from taxation by the laws of 1970, 5:3; 5:8; 57:12; and 57:15, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA 31-A, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes *or payments in lieu of taxes* as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. *In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.*

6 Duties of the Commissioner. Amend RSA 21-J:3, XV to read as follows:

XV. Establish and approve tax rates as required by law *including the uniform education tax rate*.

7 New Paragraph; Duties of Commissioner. Amend RSA 21-J:3 by inserting after paragraph XXIV the following new paragraph:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16 - 19 whenever, in the commissioner's belief, the valuation of property for equalization purposes in a particular city, town, or unincorporated place is disproportional to the valuation for equalization purposes in other cities, towns, or unincorporated places in the state.

8 Division of Property Appraisal; Department of Revenue Administration. RSA 21-J:9 is repealed and reenacted to read as follows:

21-J:9 Division of Property Appraisal. There is established within the department the division of property appraisal, under the supervision of a classified director of property appraisal who shall be responsible for the following functions, in accordance with applicable laws:

I. Assisting and supervising municipalities and appraisers in appraisals and valuations as provided in RSA 21-J:10 and RSA 21-J:11.

II. Appraising state-owned forest and recreation land under RSA 227-H and RSA 216-A.

III. Annually determining the total equalized valuation of properties in the cities and towns and unincorporated places according to the requirements of RSA 21-J:9-a.

IV. Preparing a standard appraisal manual which may be used by assessing officials, and holding meetings throughout the state with such officials to instruct them in appraising property.

9 New Section; Equalization Procedure. Amend RSA 21-J by inserting after section 9 the following new section:

21-J:9-a Equalization Procedure. The following procedures shall apply in determining the equalization of property within the cities, towns, and unincorporated places as required by RSA 21-J:3, XIII:

I. The commissioner shall annually conduct a sales-assessment ratio study which shall include arm's length sales or transfers of property that occurred 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made.

II. In determining the arm's length sales or transfers that are included in the sales-assessment ratio study, the commissioner may use a randomly selected sample of such sales and transfers the size of which shall be determined by the total taxable parcels in the city, town, or unincorporated place.

III. If less than 2 percent of the total taxable parcels in a city, town, or unincorporated place has been transferred by an arm's length sale or transfer during the 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made or the commissioner determines the sales are unrepresentative of the property within the municipality, the commissioner may choose one or more of the following options:

(a) Include appraisals of any of the taxable property of such city, town, or unincorporated place in the sales-assessment ratio study. Such appraisals shall be based on full and true market value pursuant to RSA 75:1 and shall be performed by department appraisers. The property to be appraised shall be selected by the commissioner.

(b) Consider recent equalization ratio activity in adjoining cities, towns, or unincorporated places.

(c) Include arm's length sales or transfers in the city, town, or unincorporated place, within 2-1/2 years preceding April 1 of the year preceding the tax year for which such equalization is made.

IV. The commissioner shall use the inventory of property transfers authorized by RSA 74:18 in determining the equalized value of property and may consider such other evidence as may be available to the commissioner on or before the time the final equalized value is determined.

10 Appraisals of Property for Ad Valorem Tax Purposes. RSA 21-J:11 is repealed and reenacted to read as follows:

21-J:11 Appraisals of Property For Ad Valorem Tax Purposes.

I. Every person, firm, or corporation intending to engage in the business of making appraisals on behalf of a municipality for tax assessment purposes in this state shall notify the commissioner of that intent in writing. No person, firm, or corporation engaged in the business of making appraisals of taxable property for municipalities and taxing districts shall enter into any contract or agreement with any town, city, or other governmental division without first submitting the proposed contract or agreement to the commissioner for examination and approval and submitting to the commissioner evidence of financial responsibility and professional capability of personnel to be employed under the contract.

II. The commissioner, at no expense to the municipality, shall monitor appraisals of property and supervise appraisers as follows:

(a) Assure that appraisals comply with all applicable statutes and rules;

(b) Assure that appraisers are complying with the terms of any appraisal contract;

(c) Review the accuracy of appraisals by inspection, evaluation, and testing, in whole or in part, of data collected by the appraisers; and

(d) Report to the governing body on the progress and quality of the municipality's appraisal process.

III. The commissioner shall adopt rules under RSA 541-A relative to the provisions required of all contracts for appraisal services and the methodology for inspection, evaluation, and testing of data for the purposes of appraisal monitoring.

11 Reports Required. Amend the introductory paragraph of RSA 21-J:34 to read as follows:

The governing body of each city, town, unincorporated town, unorganized place, school district, and village district, and the clerk of each county convention shall submit to the commissioner of revenue administration the following reports necessary to compute and establish the *uniform education property tax rate and the* tax rate for each city, town, unincorporated town, unorganized place, school district, village district, and county. The commissioner shall adopt rules under RSA 541-A establishing the form and content of these reports:

12 New Paragraph; Reports Required. Amend RSA 21-J:34 by inserting after paragraph XIV the following new paragraph:

XV. A report filed by the assessing officials of each city, town, and unincorporated place shall certify sales-assessment information necessary for the department to conduct the annual sales-assessment ratio study required by RSA 21-J:9-a. This report shall be filed within 45 days after receipt from the department.

13 New Paragraph; Setting of Tax Rates by Commissioner. Amend RSA 21-J:35 by inserting after paragraph I the following new paragraph:

I-a. The commissioner shall calculate the uniform education property tax rate as follows:

(a) Multiply the adjusted per pupil adequate education cost as defined in RSA 198:38, I by the weighted average daily membership in residence as defined in RSA 198:38, VI as reported to the department on December 31 pursuant to RSA 198:46.

(b) Subtract from the product in subparagraph (a) the total amount appropriated to the department of education from the education trust fund by the legislature;

(c) Add to the sum in subparagraph (b) the total amount of accepted homestead exemptions under RSA 198:50 from the previous year and hardship relief under RSA 198:51 from the year preceding the previous year;

(d) Divide the sum in subparagraph (c) by the total equalized assessed value as determined by the commissioner relative to the most recent annual report of the department. In this paragraph "equalized assessed value" means the sum of the total valuation of each class of property in a municipality reported pursuant to RSA 21-J:34 adjusted by excluding the value of utility property

subject to tax under RSA 83-F, nuclear station property subject to tax under RSA 83-D, and the value of property exempted pursuant to RSA 72:37-b, 72:62, 72:66, and 72:70 and equalized by the commissioner according to the equalization method specified in RSA 21-J:9-a.

14 New Subdivision; Property Tax Transition Grant. Amend RSA 31-A by inserting after section 6 the following new subdivision:

**Property Tax Transition Grant**

31-A:7 Intent. The general court recognizes the obligations of municipal governments to provide necessary and desirable services to their citizens, including new or expanded programs, and hereby finds that to the extent that changes in state tax policy could have the effect of unduly limiting municipal governments in carrying out their obligations, it is appropriate to provide encouragement and support to those political subdivisions in the form of grants. The general court further recognizes that the hardships attendant to increased taxes that are placed on low income residents and those providing shelter and services to those citizens result in increased burdens on municipal governments in a number of ways including but not limited to difficulty or impossibility of funding new or expanded programs, fewer housing starts and rental property construction for people of modest means and less disposable income being available to the elderly and poor, thereby creating a greater need for municipal assistance. Therefore, the general court finds it to be in the interest of the public weal to establish a property tax transition grant program to ameliorate, in part, such adverse consequences.

31-A:8 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Municipality" means a city, town or unincorporated place.

III. "Municipal per capita income" means per capita income as reported by the department of revenue administration for each New Hampshire municipality.

IV. "State per capita income" means per capita income as reported by the department of revenue administration for the state of New Hampshire.

31-A:9 Determination of Transition Grant.

I. The commissioner on or before October 1 shall determine the amount of property tax transition grant for each municipality for the following fiscal year as follows:

(a) Divide the municipal per capita income for a municipality by state per capita income.

(b) Subtract 0.6 from the product in subparagraph (a);

(c) If the result of the subtraction in subparagraph (b) results in an amount less than 0 substitute 0;

(d) Divide the result of the calculation in subparagraph (c) by 4 and subtract the result from 1.0;

(e)(i) If the municipality's weighted average daily membership in residence as defined in RSA 198:38, VI is greater than 9, multiply the result in subparagraph (d) by the amount of the municipality's excess education property tax payment determined pursuant to RSA 198:49.I; or

(ii) If the municipality's weighted average daily membership in residence as defined in RSA 198:38, VI is less than 10, multiply the average of the result in subparagraph (d) for all municipalities whose weighted average daily membership in residence as defined in RSA 198:38, VI is greater than 9 by the amount of the municipality's excess education property tax payment determined pursuant to RSA 198:49, I.

II. The amount in subparagraph I(e) shall not exceed the amount of excess education property tax determined pursuant to RSA 198:49 for the municipality for the corresponding tax year.

31-A:10 Distribution. Upon certification to the state treasurer by the commissioner, distribution of the property tax transition grants determined in RSA 31-A:9 shall be made by the state treasurer from sums appropriated therefor from the general fund. For the fiscal year ending June 30, 2000, such distribution shall be made on June 15, 2000. For fiscal years ending after June 30, 2000, such distribution shall be made at the time or times other payments are returnable to the municipalities pursuant to this chapter.

31-A:11 Biennial Review. The legislature shall biennially review the circumstances of municipalities relative to the intent of this subdivision to determine the need for providing assistance to such municipalities and shall adjust the amounts provided herein as it deems prudent.

15 Board of Tax and Land Appeals; Authority. Amend RSA 71-B:5, II to read as follows:

II. To hear and determine ~~any~~ appeals ~~by towns~~ relating to the ~~[equalization of valuation performed]~~ *equalized valuation of property determined* by the commissioner of revenue admin-

istration pursuant to RSA 21-J:3, XIII *including equalized assessed valuations determined by the commissioner for the purposes of the education property tax*. Any town aggrieved by ~~an~~ its equalized valuation as determined by the commissioner of revenue administration must appeal to the board in writing within 30 days of ~~[the town's notification]~~ *notice of [the] its final* equalized valuation by the commissioner. *The board shall hear and make a final ruling on such appeal within 45 days of its receipt by the board. The board's decision on such appeal shall be final and not appealable.*

16 New Paragraph; Order for Reassessment. Amend RSA 71-B:16, IV to read as follows:

IV. When a complaint is filed with the board alleging that all of the taxable real estate or taxable property in a taxing district should be reassessed or newly assessed for any reason, provided that such complaint must be signed by at least 50 property taxpayers or 1/3 of the property taxpayers in the taxing district, whichever is less[-]; or

V. *When the commissioner of revenue administration files a petition with it pursuant to RSA 21-J:3, XXV.*

17 New Section; Inventory of Property Transfers. Amend RSA 74 by inserting after section 17 the following new section:

74:18 Inventory of Property Transfers.

I. In order to properly equalize the value of property under RSA 21-J:3, XIII, an inventory of property transfers shall be filed with the department of revenue administration and with the municipality where the property is located for each transfer of real estate or interest in real estate. Each form may include the following information:

(a) The buyer and seller's names and post transaction addresses and the name and address of a contact person if the buyer or seller is a trust or corporation.

(b) A description of the exact location of the property by town, street, and the assessor's map, lot, and block number.

(c) The acreage included in the sale.

(d) An accurate description of the property included in the sale, the neighborhood where the property is located, and the type and style of the property sold.

(e) The buyer's ownership interest in the property.

(f) The sale price, date of transfer, and the amount mortgaged.

(g) The description of the type of transfer that has taken place.

(h) The amount of personal property included in the sale price.

(i) Whether the property was previously occupied and whether the property will serve as the buyer's primary residence.

(j) The financing arrangements made to purchase the property to be answered at the option of the buyer.

(k) Whether any concessions were made in the sale.

(l) Whether the property was in current use.

(m) Whether land use taxes were considered in the sale.

(n) The buyer's dated signature certifying that the information indicated on the form is true.

II. The inventory of property transfers required by this section shall be filed with the department of revenue administration and with the municipality where the property is located by the purchaser, grantee, assignee, or transferee, no later than 30 days from the recording of the deed at the register of deeds or transfer of real estate, whichever is later. Persons required to file the inventory of property transfers who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. No deed, recording a transfer of real estate or any interest in real estate, executed before October 1, 1995, shall be required to comply with this section.

IV. Failure to comply with this section shall not be construed to cloud title.

V. Any information provided to the department or the municipality pursuant to this section shall be exempt from the right-to-know law, RSA 91-A.

18 Education Property Tax. RSA 76:3 is repealed and reenacted to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate calculated by the commissioner of revenue administration pursuant to the authority granted in RSA 21-J:35, I-a is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except

such property subject to tax under RSA 82, RSA 83-D and RSA 83-F. Such uniform rate shall be calculated by the commissioner on or before October 1 for the tax year commencing April 1 of the succeeding year.

19 What Taxes Assessed. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the [state] **commissioner of revenue administration** and county treasurers respectively; all taxes duly voted in their towns; and all school[~~schoolhouse~~] and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33.

20 Commissioner's Warrant. RSA 76:8 is repealed and reenacted to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall annually calculate the proportion of education property tax to be raised by each municipality by multiplying the uniform education property tax rate by the total equalized assessed value of all property in the municipality as determined under RSA 21-J:3, XIII and used to calculate the uniform rate under RSA 21-J:35, I-a.

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality on or before September 1 directing them to assess such sum and pay to the municipality for the use of the school district or districts or to the department of revenue administration for deposit in the education trust fund such sums and at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

21 Commissioner's Report. RSA 76:9 is repealed and reenacted to read as follows:

76:9 Commissioner's Report. The commissioner of revenue administration shall report to the governor, the speaker of the house of representatives, the president of the senate, and the commissioner of education each year on or before January 15, a statement of the education property tax warrants to be issued for the tax year commencing April 1 of that year.

22 Information Required. Amend RSA 76:11-a, I to read as follows:

I. The tax bill which is sent to every person taxed, as provided in RSA 76:11, shall show the rate for municipal, [school] **local education, state education**, and county taxes separately, the assessed valuation of all lands and buildings for which said person is being taxed, and the right to apply in writing to the selectmen or assessors for an abatement of the tax assessed as provided under RSA 76:16. The department of revenue administration shall compute for each town and city the rates which are to appear on the tax bills and shall furnish the required information to the appropriate town or city.

23 New Section; Tobacco Tax. Amend RSA 78 by inserting after section 31 the following new section:

78:32 Distribution of Funds. Eight percent of the amount collected pursuant to RSA 78:7 shall be deposited in the general fund and the remainder shall be paid over to the state treasurer for deposit in the education trust fund established by RSA 198:39.

24 Administration; Tax on Nuclear Station Property. Amend RSA 83-D:12, I to read as follows:

I. The commissioner of revenue administration shall collect the taxes, interest, additions to tax and penalties imposed under this chapter. The commissioner shall determine the expense of administration of this chapter and shall certify and pay over to the state treasurer **for deposit in the education trust fund established by RSA 198:39** the amount of remaining balance of the funds collected under this chapter after the expenses of administration have been deducted.

25 New Chapter; Utility Property Tax. Amend RSA by inserting after chapter 83-E the following new chapter:

## CHAPTER 83-F

### UTILITY PROPERTY TAX

83-F:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Department" means the department of revenue administration.

III. "Taxable period" means the period beginning April 1, and ending March 31 of the following year.



IV. "Utility property owner" means any person, partnership, limited liability company, association, corporation or other entity, their trustees or receivers appointed by any court, owning utility property.

V. "Utility property" means all real estate, buildings and structures, machinery, dynamos, apparatus, poles, wires, fixtures of all kinds and descriptions, and pipe lines located within New Hampshire employed in the generation, production, supply, distribution, transmission, or transportation of electric power or natural gas, crude petroleum and refined petroleum products or combinations thereof, water, or sewage subject to tax under RSA 72:6, 72:7 and 72:8; provided that no electric power fixtures which would otherwise be taxed under this chapter shall be taxed under this chapter if they are employed solely as an emergency source of electric power. "Utility property" shall not include:

(a) Water and air pollution control facilities exempt from local property taxation under RSA 72:12-a;

(b) Nuclear station property subject to tax under RSA 83-D; and

(c) Any other property which is not subject to local property taxation.

83-F:2 Tax Imposed. For taxable periods beginning April 1, 1999, a tax is imposed upon the value of utility property at the rate for the education property tax set by the commissioner under RSA 76:3 for the same period, to be assessed annually as of April 1, and every year thereafter, and paid in accordance with this chapter.

83-F:3 Determination of Value. On or before December 1 of the tax year, the commissioner shall determine the value of utility property for the purposes of this chapter by appraising such property at its full and true value. Notice of such determination shall be given to the taxpayer within 15 days of the commissioner's determination.

83-F:4 Persons Liable. The tax imposed by this chapter shall be assessed upon each person with an ownership interest in utility property, in the proportion that such person's ownership interest bears to the entirety of the ownership in the property.

83-F:5 Returns and Declarations.

I. On or before January 15 each year, each utility property owner shall file with the commissioner of revenue administration, on a form prescribed by the commissioner, a return based on the valuation for April 1 of the prior year. The return shall be accompanied by the payment of such amount as has not been prepaid in accordance with paragraph III of this section. If the return shows an additional amount to be due, such additional amount is due and payable at the time the return is filed. If such return shows an overpayment of the tax due, a credit against a subsequent payment or payments due, to the extent of the overpayment, shall be allowed.

II. On or before April 15 of each year, each utility property owner liable to pay the tax imposed by this chapter shall file with the department, on a form prescribed by the commissioner, a statement setting forth the amount of such person's ownership interest as of April 1. The statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury.

III. For taxable periods ending before April 1, 2000, each utility property owner liable to pay the tax shall, in addition, file a declaration on or before July 1, 1999 of the estimated tax to be assessed as of April 1 in the current taxable period, based on the equalized value of utility property used in the department's equalization report for April 1, 1998 accompanied by payment of 1/3 of the estimated tax due. Additional payments of 1/3 of the estimated tax shall be made on September 15, 1999 and December 15, 1999.

IV. For taxable periods ending after March 31, 2000, at the time the statement required by paragraph II is filed, each person liable for the tax shall, in addition, file a declaration of the estimated tax to be assessed as of April 1 in the current taxable period, based on the tax assessed for the preceding taxable year, accompanied by payment of 1/4 of the estimated tax due. Additional payments of 1/4 of the estimated tax shall be made on June 15, September 15 and December 15.

V. As of June 1 of each year the principal owner of utility property shall file a list of the changes made to the utility property since the prior April 1. This statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury.

VI. Taxes and estimated taxes not paid when due shall be subject to appropriate penalties and interest under RSA 21-J.

## 83-F:6 Records.

I. Every person liable for tax under RSA 83-F:4 shall:

(a) Keep such records as may be necessary to determine the amount of such person's liability under this chapter.

(b) Preserve such records for the period of at least 3 years or until any litigation or prosecution under this chapter is finally determined.

(c) Make such records available for inspection by the commissioner or authorized agents, upon demand, at reasonable times during regular business hours.

II. Whoever violates any of the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

## 83-F:7 Administration.

I. The commissioner shall collect the taxes, interest, additions to tax and penalties imposed under this chapter. The commissioner shall determine the expense of administration of this chapter and shall certify and pay over to the state treasurer for deposit in the education trust fund established by RSA 198:39 the amount of remaining balance of the funds collected under this chapter after the expenses of administration have been deducted.

II. The commissioner is authorized to contract for the services of utility appraisers as needed for the proper administration of this chapter. Such contract expenses shall be deemed an expense of administration.

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The administration of the tax imposed under RSA 83-F:2;

(b) The valuation of utility property required under RSA 83-F:3; and

(c) The recovery of any tax, interest on tax, or penalties imposed by RSA 83-F.

IV. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax or the penalties imposed by this chapter.

V. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to the commissioner. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

83-F:8 Appeals. Utility property taxpayers aggrieved by the determination by the commissioner of the value of utility property pursuant to RSA 83-F: 3 may appeal such valuation within 30 days of notification of such determination to the board of tax and land appeals or the superior court of the county in which the taxpayer resides or has a place of business. Appeals other than appeals of valuation shall be made according to the procedure and subject to the time limits provided for other taxes administered by the department under RSA 21-J.

83-F:9 Exemption from Local Taxation. Persons and property subject to taxation under this chapter shall not be subject to tax under RSA 76:3; provided, however, that nothing in this chapter shall be construed to exempt such persons or property from local school, municipal, district or county taxation under RSA 76.

26 Extent. Amend RSA 85:1 to read as follows:

85:1 Who May Issue. The state treasurer *or the commissioner of revenue administration*, and each county and town treasurer, may issue extents under their hands and seals respectively, in cases authorized by law, and such extents shall be deemed to be executions against the person and property.

27 New Subdivisions; Education Trust Fund; Excess Tax Payment, Homestead Exemption and Hardship Relief. Amend RSA 198 by inserting after section 37 the following new subdivisions: Education Trust Fund

198:38 Definitions. In this subdivision:

I. "Adjusted per pupil adequate education cost" means the amount determined by the legislature as provided by RSA 198:41 adjusted by multiplying such sum by the total average daily membership in residence for the state and dividing the product of such multiplication by total weighted average daily membership in residence for the state.

II. "Adequate education grant" means the total amount of the annual grant calculated according to RSA 198:42 by the department and made to a municipality by the state from the education trust fund.

III. "Average daily membership in residence" means "average daily membership in residence" as defined in RSA 189:1-d, IV. For purposes of this section, kindergarten pupils shall not be counted.

IV. "Elementary pupil" means a pupil in grades 1 through 8.

V. "Municipality" means a city, town or unincorporated place.

VI. "Weighted average daily membership in residence" means average daily membership in residence adjusted for weighted pupils.

VII. "Weighted pupil" means a resident pupil who has been assigned to one of the following classifications, based on the type of education the pupil received. The weights assigned to a high school pupil and to a high school pupil enrolled in a state approved vocational program reflect the differences in educational costs between these classifications when compared to the average current operating expenditure to educate a resident elementary pupil. The weights assigned to an educationally disabled child reflect the differences in education costs among the classifications of educationally disabled children when compared to the average current operating expenditure to educate a resident pupil in grades one through 12 who is not educationally disabled and not a high school pupil enrolled in a state approved vocational program. The following classifications of pupils shall carry the following weights:

(a) An elementary pupil, not educationally disabled as defined in RSA 186-C:2, I, 1.0;

(b) A high school pupil, not educationally disabled as defined in RSA 186-C:2, I and not enrolled in a state approved vocational program, 1.21;

(c) A high school pupil enrolled in a state approved vocational program, 2.01;

(d) An educationally disabled child as defined in RSA 186-C:2, I, in one of the following types of programs:

(1) In-district, placed within a self-contained special education classroom, 2.57;

(2) In-district, without placement in a self-contained special education classroom, 2.12;

(3) An out-of-district day placement, 7.08;

(4) A residential placement, 8.72;

(5) A pre-school day placement, 3.37;

(e) The weight of each pupil participating in the free and reduced school lunch program shall be the amount shown in subparagraphs (a)-(d), multiplied by 1.1.

198:39 Education Trust Fund Created. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities pursuant to RSA 198:43. The state treasurer shall deposit into this fund immediately upon receipt:

I. The full amount of excess education property tax payments from the department of revenue administration pursuant to RSA 198:49.

II. All moneys due the fund in accordance with RSA 284:21-j.

III. Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 83-F:7, I.

IV. Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 78:32.

V. Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 83-D:12, I.

VI. The school portion of any revenue sharing funds distributed pursuant to RSA 31-A from funds collected under RSA 77-A.

VII. Any other moneys appropriated from the general fund.

198:40 Investment of Fund. The fund shall be nonlapsing. The treasurer shall invest that part of the fund which is not needed for immediate distribution in short-term interest-bearing investments. The income from these investments shall be returned to the fund.

198:41 Determination of Per Pupil Adequate Education Cost.

I. For the biennium beginning July 1, 1999, the cost shall be \$3,700.

II. For the biennium beginning July 1, 2001, and every biennium thereafter, the cost per pupil shall be established by the general court.

198:42 Determination of Adequate Education Grant.

I. The department of education shall determine the amount of the adequate education grant for each municipality as follows:

(a) Multiply the adjusted per pupil adequate education cost by the weighted average daily membership in residence for the municipality as reported on December 31 pursuant to RSA 198:46;

(b) Subtract the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year; and

(c) Add the sum of the total amount of homestead exemptions taken pursuant to RSA 198:50 for the municipality for the current tax year plus the total amount of additional hardship abatements granted by the selectmen pursuant to RSA 198:51 for the previous tax year.

II. The department shall determine the grant in paragraph I for each municipality by October 1 of each year for the state's fiscal year following.

198:43 Distribution Schedule of Adequate Education Grant. The adequate education grant determined in RSA 198:42 shall be distributed to each municipality from the education trust fund in 4 equal payments on July 1, September 1, January 1, and April 1 of each school year. The department shall certify the amount of each grant to the state treasurer and direct the payment thereof to the municipality. Each municipality receiving a payment shall, within 10 days of receipt, pay the money over to the municipality's school district or districts.

198:43-a Additional Pupil Adequate Education Grant.

I. A municipality whose average daily membership in residence for a school year, as determined after the completion of that school year, exceeds the average daily membership in residence used to compute the adequate education grant for that year by more than 8 percent, shall receive an additional pupil adequate education grant. The department of education shall determine the amount of the grant for each municipality which qualifies as follows:

(a) Multiply the adjusted per pupil adequate education cost by:

(b) The amount by which the average daily membership in residence for the current school year, as determined at the completion of the school year, exceeds 1.08 times the average daily membership in residence used to compute the adequate education grant for that year.

II. The school district or districts to which the municipality belongs shall supply the necessary information to the department to calculate the amount of the additional adequate education grant by September 30 after the completion of the school year. After verification of the information, the department shall certify the amount of the grant to the state treasurer and direct the payment thereof to the municipality. Each municipality receiving a payment shall, within 10 days of receipt, pay the money over to the municipality's school district or districts.

198:43-b Supplemental Education Grant.

I. In this section:

(a) "Adjusted per pupil supplemental education amount" means \$400, multiplied by the total average daily membership in residence for the state and divided by the total weighted average daily membership in residence for the state.

(b) "Municipal assessed property per student" means the total equalized assessed value as determined in RSA 21-J:35, I-a(d) of all property in the municipality as determined under RSA 21-J:3, XIII, divided by the weighted average daily membership in residence for the municipality as determined in RSA 198:46.

(c) "State assessed property per student" means the total equalized assessed value as determined in RSA 21-J:35, I-a(d) of all property in all municipalities in the state and all properties subject to taxation under RSA 83-F, divided by the total weighted average daily membership in residence for the state.

II. In addition to the adequate education grant and additional pupil adequate education grant, school districts in which, at the time the adequate education grant is calculated, municipal assessed property per student is less than state assessed property per student shall be entitled to a supplemental education grant. The department of education shall determine the amount of the supplemental education grant for each qualifying municipality as follows:

(a) Multiply the adjusted per pupil supplemental education amount times the weighted average daily membership in residence for the municipality;

(b) Multiply this product by one minus the result of dividing the municipal assessed property per student by the state assessed property per student.

III. The department of education shall determine the grant in paragraph II for each municipality by January 15 of each year for the state's fiscal year following. The supplemental education grant shall be distributed to each municipality at the same time and by the same procedures as the adequate education grant as described in RSA 198:43.

198:44 Additional Education Expenditures. Nothing in this subdivision shall prevent school districts from adopting budgets which authorize expenditures in excess of those supported with funds from the education trust fund.

198:45 Maintenance of Local Control. Distributions under RSA 198:43 depend only on average daily membership in residence and the per pupil adequacy cost amounts as determined in this subdivision and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Municipalities may designate one or more school districts to directly receive their grants by filing a revocable notice of such designation with the state treasurer. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets.

198:46 Duties of the Department of Education and the Board of Education.

I. The department of education shall on or before September 30, of each year, collect from the school districts final data concerning all aspects of student attendance for the school year ending June 30, of that year, necessary to establish the average daily membership, average daily membership in residence, and weighted average daily membership in residence, including the municipality of residence for each pupil for that year. The department of education shall report by December 31 to the speaker of the house of representatives, the senate president to be used for purposes of determination by the legislature of the appropriation to the education trust fund. A copy of such report shall, at the same time, be given to the department of revenue administration.

II. The board of education shall adopt rules necessary to the proper administration of this subdivision.

198:47 Submission of Data by School Districts. Every school district shall submit all attendance information required by the department of education under this subdivision on or before September 30 of each year. A \$1,000 per day penalty shall be imposed on any school district that fails to submit attendance data in the time required by law unless waived for good cause by the commissioner of education. School districts penalized under this section shall not charge such penalty to the municipality or municipalities.

198:47-a Legislative Oversight Committee.

I. An oversight committee shall be established consisting of:

- (a) The chairperson of the house education committee, or a designee.
- (b) The chairperson of the senate education committee, or a designee.
- (c) Three members of the house of representatives, appointed by the speaker of the house.
- (d) Three members of the senate, appointed by the senate president.
- (e) The chairperson of the house finance committee, or a designee.
- (f) The chairperson of the senate finance committee, or a designee.

II. The chair of the oversight committee shall rotate biennially between the chairperson of the house finance committee and the chairperson of the senate finance committee. The first chairperson shall be the chairperson of the house finance committee. A member shall only serve while a member of the general court. The members shall not be compensated but shall receive mileage at the legislative rate when carrying out their duties.

III. The oversight committee shall examine the goals, purposes, organization, operation, and financing of the state's program to provide a constitutionally adequate education, and it shall evaluate and make recommendations for the continued provisions and improvement of the program. Among the initial issues the committee shall consider and examine are:

- (a) The so-called "market basket" approach to determining the cost of an adequate education;
- (b) The appropriateness of a fixed or variable statewide property tax rate; and
- (c) Methods for accelerating the collection and reporting of average daily membership in residence data, and improving the accuracy of such data as it originates from the initial reporting source.

IV. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy.

V. The oversight committee shall submit a report to the general court by November 1, of each odd-numbered year. Copies of the report shall be submitted to the governor, the senate finance and education committees, the house finance and education committees, the department of education, the department of revenue administration and to any other individual or organization as the committee deems advisable.

#### Excess Tax Payment, Homestead Exemption and Hardship Relief

198:48 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Equalized assessed value" means "equalized assessed value" as defined in RSA 21-J:35, I-a(d).

III. "Homestead" means the dwelling owned by a claimant or in the case of a multi-unit dwelling, the portion of the dwelling which is used as the claimant's principal place of residence and the claimant's domicile for purposes of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph the term "owned" includes a vendee in possession under a land contract and one or more joint tenants or tenants in common.

IV. "Homestead value" means the net local assessed value of the homestead increased or decreased by dividing such value by the equalization ratio for the municipality for the previous year determined in accordance with RSA 21-J:9-a except that homestead value in municipalities which have completed a revaluation of property within the previous year shall be computed at full value.

V. "Household income" means the sum of the adjusted gross income for federal income tax purposes of the claimant and any member of the claimant's household who resides in the homestead for which claim is made.

198:49 Excess Education Property Tax Payment.

I. Except as provided in paragraph IV, municipalities whose education property tax or education property tax plus adequate education grant exceeds the amount necessary to fund an adequate education determined by RSA 198:42, I(a) shall collect and remit such excess amount less the amount of any homestead exemptions under RSA 198:50 and hardship relief abatements granted by the selectmen under RSA 198:51 to the department of revenue administration on or before June 30, of the year following the close of the tax year in which the excess occurs.

II. The amount of such excess to be remitted shall not include any income derived from the investment of funds by the town treasurer under RSA 41:29. Any funds remaining after full payment of the excess tax required in paragraph I shall become available for the unrestricted use by the municipality.

III. The commissioner shall collect from the selectmen the excess tax and pay over to the state treasurer the amount of funds collected under this subdivision for deposit in the education trust fund established by RSA 198:39.

IV. The commissioner shall calculate the excess amount owed by each municipality pursuant to paragraph I for the tax year 1999. Notwithstanding any other provision of this section, municipalities shall only collect and remit to the department of revenue administration not more than the following percentage of the tax year 1999 excess amount, less the amount of any property tax transition grant distribution to the municipality pursuant to RSA 31-A:10, during the tax years 1999-2001:

(a) In tax year 1999, 25 percent.

(b) In tax year 2000, 50 percent.

(c) In tax year 2001, 75 percent.

198:50 Homestead Exemption.

I. A homestead exemption from education property tax imposed under RSA 76:3 in an amount not to exceed the lesser of 25 percent of the homestead value or \$40,000, adjusted by the consumer price index for New England published by the United States Department of Labor for each succeeding year, rounded to the nearest \$1,000, is hereby granted to any claimant qualifying under this section.

II. A qualifying claimant is a person who:

(a) Owns a homestead or interest in a homestead subject to the education property tax, and

(b) Files a claim for exemption certifying homestead ownership with the selectmen on or before July 1 of the tax year for which claim is made. Claims filed after July 1 shall not be considered timely for the current tax year, but shall be considered filed for the following tax year.

III. If a homestead is owned by 2 or more persons as joint tenants or tenants in common, and one or more of such joint owners do not principally reside at such homestead, the homestead exemption applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. If more than one person files claims for exemption relative to a single tax parcel, the aggregate amount of the exemptions claimed shall not exceed the amount of exemption allowable for such parcel if only one person had filed a claim.

IV. If a homestead for which exemption is claimed is part of single tax parcel upon which is located other dwelling units or other significant nonresidential uses, the homestead exemption shall be claimed only on that portion of the homestead value of the tax parcel attributable to the homestead dwelling.

V. Claims shall be accepted as filed unless the selectmen have good reason to believe that any part of the claim is inaccurate or erroneous. Accepted homestead exemption claims shall continue from year to year without necessity for refileing unless there is a change in ownership or use of the property.

VI. On or before August 1 the selectmen shall report accepted claims to the department of revenue administration and the department of education.

#### 198:51 Education Property Tax Hardship Relief.

I. As provided herein eligible claimants shall be granted hardship relief, in addition to the homestead exemption provided in RSA 198:50, for 4 tax years following the enactment of RSA 76:3.

II. An eligible hardship relief claimant is a person who

(a) Qualifies for the homestead exemption in RSA 198:50;

(b) Realizes in the first year after the effective date of the education property tax a net increase in property taxes as a result of the imposition of RSA 76:3, exclusive of the local portion of school, municipal and county taxes, and after application of the homestead exemption, which exceeds 20 percent of the school portion of such claimant's local property taxes for the tax year ended March 31, 1999; and

(c) Realizes total household income of less than 75 percent of median total household income of all New Hampshire residents in the year in which the claim for relief is made.

III. The selectmen shall abate a portion of the net increase in an eligible hardship relief claimant's property taxes, exclusive of the local portion of school, municipal and county taxes, and after application of the homestead exemption, which portion is to be calculated as follows:

(a) Deduct the local school, municipal and county tax portion and the amount of the homestead exemption from the claimant's total current tax bill;

(b) Subtract the amount of the claimant's school property taxes for the tax year ended March 31, 1999 from the sum computed in subparagraph (a) to determine the net increase;

(c) Multiply the net increase computed in subparagraph (b) by one of the following percentages to determine the amount of the abatement:

(1) In the first year after the effective date of RSA 76:3, 50 percent of the net increase;

(2) In the second year after the effective date of RSA 76:3, 25 percent of the net increase;

(3) In the third year after the effective date of RSA 76:3, 10 percent of the net increase; and

(4) In the fourth year after the effective date of RSA 76:3, 10 percent of the net increase.

IV. Claims for hardship relief shall be filed with the selectmen on or before March 1 following the date of notice of tax under RSA 76:1-a.

V. If the selectmen have reason to suspect the accuracy of a claim for hardship relief, they may request that the claimant provide copies of any of the following, as needed to verify income. Any documents submitted shall be considered confidential, handled so as to protect the privacy of the claimant, and returned uncopied to the claimant after a decision is made on the claim. The documents are:

(a) Federal income tax form; and

(b) State interest and dividends tax form.

RSA 359-C shall not apply to the documents requested for verification under this paragraph.

VI. The commissioner shall each year publish a taxpayer information release denoting the median household income for New Hampshire residents based upon the most recent figure published by the United States Bureau of the Census for the category "median household income by state."

#### 198:52 Rulemaking; Forms.

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this subdivision.

II. The commissioner shall approve and provide forms relative to the following:

- (a) Reporting and remitting excess education property tax by municipalities;
- (b) Claims for homestead exemption; and
- (c) Claims for hardship relief.

III. Claim forms shall include the following:

- (a) Instructions on completing and filing the form;
- (b) Sections for information concerning the claimant, the claimant's household, the property for which exemption or relief is sought and such other information as is reasonably necessary to determining the accuracy of the claim;
- (c) Instructions on appeal procedure and time limits relative to such appeals;
- (d) A place for the claimant's signature with a certification by the claimant that the claim is made in good faith and that the facts contained in the claim are true.

198:53 Penalties. The preparation or filing of homestead exemption or hardship relief claims that are false shall be subject to the provisions of RSA 21-J:39, relative to criminal penalties.

198:54 Appeals.

I. Whenever the selectmen or assessors refuse to grant a claimant either a homestead exemption or an education property tax hardship relief request, the claimant may appeal in writing, on or before September 1 following the date of notice of tax under RSA 72:1-d, to the board of tax and land appeals or the superior court.

II. When a taxpayer appeals the denial of a claim to the superior court or board of tax and land appeals, the court or board may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court or board finds the selectmen's action to be arbitrary or unreasonable.

28 Reference Change. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and ~~[RSA 198:27-37]~~ *adequate education grants under RSA 198:42*.

29 Reimbursement Anticipation Notes; Version Effective Until July 1, 1999. Amend RSA 198:20-d to read as follows:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district may incur debt in anticipation of reimbursement under RSA 186-C:18, *and a municipality may incur debt in anticipation of reimbursement under RSA 198:43*. The governing body, after receiving authorization for borrowing from the legislative body, may elect to recognize the proceeds of the borrowing as revenue for property tax rate setting purposes by providing written notification, prior to September 1, to the commissioner of the department of revenue administration stating the specific amount of borrowing to be recognized as revenue.

30 Reimbursement Anticipation Notes; July 1, 1999 Version. Amend RSA 198:20-d to read as follows:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district may incur debt in anticipation of reimbursement under RSA 186-C:18 *and a municipality may incur debt in anticipation of reimbursement under RSA 198:43*. The governing body, after notice and public hearing, may elect to borrow such funds and to recognize the proceeds of the borrowing as revenue for property tax rate setting purposes by providing written notification to the commissioner of the department of revenue administration stating the specific amount of borrowing to be recognized as revenue. Any borrowing under this section shall be exempt from the provisions of RSA 33, relative to debt limits.

31 Sweepstakes. RSA 284:21-j is repealed and reenacted to read as follows:

284:21-j Establishment. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA 198:39.



32 Transition. As of July 1, 1999, all funds, from any source derived, which would be distributed as foundation aid shall be deposited in the education trust fund under RSA 198:39.

33 Removing Reference to Foundation Aid. Amend RSA 198:21, V to read as follows:

V. No pupil counted by any school district for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be ~~[included in average daily membership for the purposes of foundation aid or]~~ counted for the purposes of grants pursuant to RSA 198:22.

34 Removing Reference to Foundation Aid. Amend RSA 198:22, V to read as follows:

V. No pupil counted by any school for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be ~~[included in average daily membership for the purposes of foundation aid or]~~ counted for the purpose of grants pursuant to RSA 198:21.

35 Payment in Lieu of Taxes. Amend RSA 227-H:17 to read as follows:

227-H:17 Payment in Lieu of Taxes. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to forms for application to the commissioner of revenue administration for payment for lost taxes. ~~[In any year in which no state tax is levied:]~~ Any town in which national forest lands and land held by the state for operation and development as state forestland, as defined by the department for the purposes of this section, are situated, whether acquired by gift, devise, purchase, or in any other manner, may apply, by its selectmen, to the commissioner of revenue administration on forms provided by the commissioner, annually before September 1, for the payment of an amount not exceeding the taxes for all purposes which such town might have received from taxes on such lands in such year had such lands been taxable. In the event that the amount appropriated in any biennium shall be insufficient for the purposes under this section, then the towns entitled to benefits under this section shall be reimbursed proportionately, unless otherwise subsequently ordered by the legislature.

36 Special Transition Rules. The following special transition rules shall apply to the implementation of this act in the first fiscal year following enactment:

I. The commissioners of revenue administration and education shall use weighted average daily membership in residence as defined in RSA 198:38, VI established on or before June 30, 1997 in all calculations required by RSA 21-J: 35, I-a and RSA 198:42, I.

II. "Equalized assessed value" as defined in RSA 21-J:35, I-a(d) shall be based upon the amounts reported in the 1997 equalization survey published by the department of revenue administration.

III. For purposes of calculating the uniform education property tax rate as required by RSA 21-J:35, I-a the commissioner of revenue administration shall use the following amounts:

(a) The total amount to be subtracted pursuant to RSA 21-J:35, I-a(b) shall be \$220,406,192; and

(b) The total amount to be added pursuant to RSA 21-J:35, I-a(c) shall be \$43,274,656.

IV. For the school year 1999/2000, the adequate education grant determined in RSA 198:42 shall be distributed to each municipality from the education trust fund in 4 payments as follows:

(a) On July 1, 1999, and September 1, 1999,  $\frac{1}{4}$  the total adequate education grant without including any homestead exemption amounts;

(b) On January 1, 2000 and April 1, 2000,  $\frac{1}{4}$  the total adequate education grant including  $\frac{1}{2}$  of the total accepted homestead exemption amounts. The department shall certify the amount of each grant to the state treasurer and direct the payment thereof to the municipality.

V. For the tax year 1999, claims for a homestead exemption shall be filed with the selectmen on or before September 1, 1999.

VI. For the tax year 1999, selectmen shall report accepted claims for the homestead exemption to the department of revenue administration and the department of education by December 1, 1999.

VII. Notwithstanding any other provision of law, the commissioner of revenue administration shall calculate the uniform education property tax rate for the April 1, 1999 tax year and issue the warrants required by RSA 76:8 on or before 30 days after the effective date of this act.

VIII. Notwithstanding any other provision of law, the commissioner of education shall determine the amount of the adequate education grant for each municipality pursuant to RSA 198:42 for the 1999/2000 school year on or before 30 days after the effective date of this act.

IX. Notwithstanding any other provision of law, the commissioner of revenue administration shall calculate the property tax transition grant for each municipality for the fiscal year ending June 30, 2000 on or before 30 days after the effective date of this act.

37 Position Established; Appropriations.

I. To carry out the financial and educational reporting requirements of this act, there is hereby established within the department of education a full-time temporary position of systems development specialist IV, labor grade 25, for the 15 month period ending June 30, 2000.

II. The sum of \$69,500 is hereby appropriated to the department of education to fund the position created in paragraph I, including salary, benefits, rent, supplies, and travel. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of \$1,000,000 for the biennium ending June 30, 2001, is hereby appropriated to the department of revenue administration to fund the upgrade of municipal computer systems, to provide additional municipal personnel, to provide in-service training of municipal officials and taxpayer education programs, and to fund other administrative costs necessary to carry out the financial purposes of this act in accordance with part 1, article 28-a of the New Hampshire constitution. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

IV. The sum of \$2,000,000 for the biennium ending June 30, 2001, is hereby appropriated to the department of revenue administration to fund the costs necessary to implement this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

V. The sum of \$100,000 for the biennium ending June 30, 2001 is hereby appropriated to the department of education to fund the costs necessary to upgrade school districts' computer systems to carry out the reporting responsibilities of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

VI. The sum of \$220,406,192 is hereby appropriated from the education trust fund created under RSA 198:39 to the department of education for each year of the biennium ending June 30, 2001 for the purpose of funding the requirements of RSA 198:43.

VII. The sum of \$44,564,832 is hereby appropriated to the state treasurer for each year of the biennium ending June 30, 2001 for the purpose of funding the requirement of RSA 31-A:10. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

38 Special Provision for Foundation Aid. Notwithstanding the repeal pursuant to section 41 of this act of RSA 198:27-37, relative to foundation aid and alternative foundation aid, the payment of foundation aid which would have been made in April 1999 pursuant to RSA 198:31 before such section was repealed, shall be calculated by the department of education and distributed to the recipients as if such repeal had not occurred.

39 Utility Property Valuation Study Committee Established.

I. There is established a committee to study utility property valuation issues.

II. The members of the committee shall be as follows:

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives, at least one of whom shall be a member of the finance committee, at least one of whom shall be a member of the municipal and county government committee, and at least one of whom shall be a member of the science, technology and energy committee. The speaker of the house of representatives may appoint three other members, if deemed necessary, as alternates.

(b) Five members of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee's duties shall include but not be limited to:

(a) Determining the most appropriate means of evaluating utility property for taxation purposes, and determining to what extent the "unit method" should be used for this purpose.

(b) Determining the extent to which utility property is evaluated consistently from one municipality to another.

(c) Determining the most appropriate means of evaluating nuclear station property.

(d) Determining the most appropriate means of taxing telecommunications services and evaluating property used for providing these services.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be held within 90 days of the effective date of this section. Five members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

40 Severability. If any provision of this act or the application thereof to any person or circumstance is deemed invalid, the invalidity does not affect the other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

41 Repeal. The following are repealed:

I. RSA 78:20, relative to the applicability of the tobacco tax.

II. RSA 78-B:10-a, relative to the real estate transfer questionnaire.

III. RSA 21-J:3, XXIII, relative to the commissioner of revenue administration's duty to determine local per capita income for purposes of foundation aid.

IV. RSA 21-J:13, XI, relative to the form and content of the real estate transfer questionnaire.

V. RSA 194-B:11, VIII, relative to foundation aid in relation to charter and open enrollment schools.

VI. RSA 198:1-3, relative to required annual district property taxes.

VII. RSA 198:21, V, relative to the applicability of foundation aid and child benefit service grant recipients in the calculation of average daily membership.

VIII. RSA 198:22, V, relative to the applicability of foundation aid and dual enrollment grant recipients in the calculation of average daily membership.

IX. RSA 198:27-37, relative to foundation aid and alternative foundation aid.

X. 1998, 389:15, 16, and 17 relative to educational funding commitments and funding for local education betterment.

42 Effective Date.

I. Sections 23, 31 and 41, X of this act shall take effect July 1, 1999.

II. The remainder of this act shall take effect April 1, 1999.

### AMENDED ANALYSIS

This bill creates a state education property tax at a uniform rate to provide support to communities for an adequate education. It allows homeowners a homestead exemption for their primary residence and provides additional hardship relief to low income homeowners whose school property taxes are substantially increased as result of this tax.

The bill establishes a dedicated trust fund, to be funded by revenues from a state utility property tax, the tobacco tax and other sources, for the purpose of making distributions to municipalities with insufficient property base to raise adequate education funds on their own and to compensate municipalities for the homestead exemption and hardship relief.

The bill also repeals foundation aid, phases in the excess education property tax payments to be made by municipalities, and creates a property tax transition grant program in revenue sharing. Rep. Kurk spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded.

**YEAS 204 NAYS 180**

**YEAS 204**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Millham, Alida  
Thomas, John

Boriso, Thomas  
Johnson, James  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Lawton, David  
Rice, Thomas  
Wendelboe, Francine

Czech, Stanley  
Lawton, Robert  
Rosen, Ralph

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Torresen, Gary

**CHESHIRE**

Avery, Stephen  
Rose, William

Blaisdell, Michael  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
LaMott, Paul  
Picconi, Al

Alger, John  
Eaton, Stephanie  
MacNeil, Allen  
Scanlan, David

Brothers, Richard  
Gilman, G Michael  
Marshall, Gene  
Ward, Brian

Cobb, John  
Harmon, Hobart  
Phinney, William  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Dokmo, Cynthia  
Fletcher, Richard  
Hall, Betty  
Hunter, Bruce  
LaRose, Richard  
MacGillivray, Jeffrey  
McRae, Karen  
Moran, Edward  
O'Hearn, Jane  
Peterson, Andrew  
Thulander, O Alan

Andrews, Frederick  
Belvin, William  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Dawe, Eileen  
Durham, Susan  
Flora, Kathleen  
Hansen, Herbert  
Jean, Loren  
Leishman, Peter  
Martel, Andre  
Mercer, Robert  
Mosher, William  
Ouellette, Dean  
Reeves, Sandra  
Wall, Nancy

Arnold, Thomas, Jr  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Desmarais, Vivian  
Dyer, Merton  
Ford, Nancy  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Messier, Irene  
Nolan-Piteri, Dawn  
Pappas, Marc  
Rowe, Robert  
White, Donald

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Desrosiers, William  
Fields, Dennis  
Goulet, Maurice  
Holley, Sylvia  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Milligan, Robert  
O'Connell, Timothy  
Pepino, Leo  
Tate, Joan  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Hager, Elizabeth  
Kennedy, Richard  
Leber, William

Asplund, Bronwyn  
Hess, David  
Langer, Ray  
Nichols, Avis

Crowell, Peter  
Hoadley, Elizabeth  
Larrabee, David, Sr  
Whalley, Michael

Feuerstein, Martin  
Jacobson, Alf  
Lavoie, Gerard

**ROCKINGHAM**

Arndt, Janet  
Carson, Gregory  
Cote, Patricia  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
Mikowski, Walter  
Nowe, Ronald  
Quandt, Marshall  
Sabella, Norma  
Tufts, J Arthur  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Christie, Andrew, Jr  
Cox, Russell  
Dolan, Richard  
Flanagan, Natalie  
Gleason, John  
Hutchinson, Karen  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Rabideau, Marie  
Stone, Joseph  
Varrell, Thomas  
Welch, David

Bishop, Franklin  
Clark, Vivian  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, David  
Griffin, Mary  
Johnson, Robert  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Reardon, Neil  
Stritch, C Donald  
Vaughn, Charles  
Weyler, Kenneth

Bridle, Russell  
Cooney, Richard  
Dearborn, Bruce  
Dunham, Vivian  
Flanders, John, Sr  
Hamel, Albert  
Katsakiores, George  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Ruffner, Walter  
Sytek, Donna  
Verani, Giovanni  
Whittier, John

**STRAFFORD**

Brown, Julie  
Spear, Barbara

Cossette, Larry  
Tsiros, William

McKinley, Robert  
Woods, Phyllis

Musler, George

**SULLIVAN**

Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
Young, David			

**NAYS 180****BELKNAP**

Salatiello, Thomas	Wood, Jane
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**CARROLL**

None

**CHESHIRE**

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Zerba, Roger		

**COOS**

Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert		

**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Ham, Bonnie	Hinman, Harry	Johnson, Gary
Mirski, Paul	Nordgren, Sharon	Solow, Martha	

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Buckley, Raymond	Burkush, James	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Dwyer, Paul, Sr	Foster, Linda	Franks, Suzan	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
Lasky, Bette	Lefebvre, Roland	Leonard, Peter	Lynde, Harold
Martin, Mary	McCarthy, William	McColgan, Philip, Jr	McDonald, James, Sr
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Moriarty, Mary
Murphy, Robert	Ouellette, Mary	Perkins, Paul	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fortnam, Janet	Fraser, Marilyn
Gile, Mary	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Blanchard, MaryAnn	Case, Margaret
Clark, Martha	Corbin, C David	Downing, Michael	Gibbons, Paul
Grant, Kenneth	Hutchinson, Rebecca	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	Lovejoy, Marian	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne

Putnam, Ed, II  
Schanda, Frank  
Stickney, Nancy

Raynowska, Bernard  
Shelton, Richard

Rubin, George  
Shultis, Elizabeth

Sapareto, Frank  
Splaine, James

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Johnson, Nancy  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Bickford, David  
DeChane, Marlene  
Gilmore, Gary  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Brennan, William  
Domingo, Baldwin  
Grassie, Anne  
Keans, Sandra  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

Brown, George  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

### SULLIVAN

Allison, David  
McIntyre, Sara  
Wiggins, Celestine

Burling, Peter  
Phinizy, James

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas, Jr  
Tuthill, John

and the Kurk floor amendment (0262h) was adopted.  
Rep. Mirski offered a floor amendment (0273h), spoke in favor and withdrew his amendment.  
Rep. Corbin offered a floor amendment (0284h).

### Floor Amendment (0284h)

Amend the title of the bill by replacing it with the following:

AN ACT declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

Amend the bill by replacing all after the enacting clause with the following:

I Statement of Findings and Intent: Affirmation by the Legislature of the Constitutionality of the Current Tax Structure.

I. The members of the executive and legislative branches of the state of New Hampshire, having made and subscribed an oath to God and to the state and its constitution, or alternatively, by affirming under the pains and penalties of perjury, their allegiance to the state of New Hampshire and its constitution pursuant to part II, article 84 of said constitution, hereby find that the decision of the New Hampshire supreme court nullifying the use of the current property tax structure as the means for funding public education is an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

II. In furtherance of this position, the legislature finds that under part I, article 28 of the New Hampshire constitution, the legislature possesses the sole authority to create laws, and that under part I, article 29 of said constitution, the legislature possesses the sole authority to suspend laws. Moreover, the legislature finds additional constitutional support for its position as follows:

- (a) Part I, article 1, relative to the origin and object of government.
- (b) Part I, article 2 relative to individual property rights.
- (c) Part I, article 6 relative to local control of education, both religious and secular.
- (d) Part I, article 12, relative to the consent of the governed on taxation.
- (e) Part I, article 28, relative to the consent of the people, or their representatives in the legislature, prior to the establishment or imposition of a tax.
- (f) Part I, article 28-a, relative to the prohibition on unfunded mandates.
- (g) Part I, article 31 and part II, article 2, relative to the authority of the legislature to make laws.
- (h) Part II, article 83, relative to the New Hampshire supreme court's inconsistent and unsupported interpretation of "cherish" to mean "to require payment for" within the context of this article.

III. The legislature hereby finds and declares that the current tax structure shall be legally binding until such time as the legislature may vote to change it. The legislature further finds that any attempt by the supreme court, or any other lower court, to interrupt or discontinue funding to the cities and towns, and their school districts, shall be met with the filing of articles of impeachment.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill sets forth a legislative declaration, supported by constitutional findings, that the New Hampshire supreme court's Claremont II decision nullifying the current tax structure is an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

Rep. Corbin spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the Corbin floor amendment (0284h).

**YEAS 82 NAYS 303****YEAS 82****BELKNAP**

Boyce, Robert	Holbrook, Robert	Johnson, James	Lawton, David
Rice, Thomas	Rosen, Ralph	Wendelboe, Francine	

**CARROLL**

Babson, David, Jr	Chandler, Gene	Howard, Godfrey	Torresen, Gary
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**CHESHIRE**

Pratt, John

**COOS**

None

**GRAFTON**

Alger, John	Brothers, Richard	Cobb, John	Gilman, G Michael
Hall, David	Ham, Bonnie	Harmon, Hobart	Hinman, Harry
Mirski, Paul	Phinney, William	Weber, Phil	

**HILLSBOROUGH**

Arnold, Thomas, Jr	Beaupre, Roland	Brundige, Robert	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr	Dalianis, Griffin	Desmarais, Vivian
Desrosiers, William	Emerton, Lawrence	Fletcher, Richard	Goulet, Maurice
Haley, Robert	Hansen, Herbert	Jean, Loren	LaPorte, George
Lefebvre, Roland	Martel, Andre	Martin, Mary	McDonald, James, Sr
McRae, Karen	Melcher, Harold	Mosher, William	Quellette, Dean
Pappas, Marc	Pepino, Leo	Wall, Nancy	

**MERRIMACK**

Gile, Mary	Kennedy, Richard	Langer, Ray	Lavoie, Gerard
Marple, Richard	Soltani, Tony		

**ROCKINGHAM**

Beaulieu, Jon	Bishop, Franklin	Carson, Gregory	Clark, Vivian
Corbin, C David	Dunham, Vivian	Flanagan, Natalie	Henderson, Warren
Hutchinson, Karen	Kobel, Rudolph	Moore, Benjamin	Noyes, Richard
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Rubin, George	Sapareto, Frank
Stickney, Nancy	Stritch, C Donald	Weyler, Kenneth	

**STRAFFORD**

Bickford, David	Musler, George
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**SULLIVAN**

McIntyre, Sara

**NAYS 303****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Lawton, Robert
Millham, Alida	Pilliod, James	Salatiello, Thomas	Thomas, John
Turner, Robert	Wood, Jane		

**CARROLL**

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Richardson, Barbara
Riley, William	Roberts, William	Robertson, Timothy	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger

**COOS**

Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Landers, Dana	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	Rodrigue, Robert	Tholl, John, Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Dudley, Terri	Eaton, Stephanie	Guest, Robert	Johnson, Gary
LaMott, Paul	MacNeil, Allen	Marshall, Gene	Nordgren, Sharon
Picconi, Al	Scanlan, David	Solow, Martha	Ward, Brien

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Belvin, William	Bergeron, Lucien
Bergin, Peter	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Carlson, Donald	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Curran, James
Daigle, Robert	Daniels, Gary	Dawe, Eileen	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty	Herman, Keith
Herman, Richard	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	McCarthy, William	McCarty, Winston	McColgan, Philip, Jr
McDonough-Wallace, Alice	McGough, Tim	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Ouellette, Mary	Perkins, Paul	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Turgeon, Roland
Vaillancourt, Steve	White, Donald	White, John	Williams, Carol
Withee, Dennis			

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Crosby, Toni	Crowell, Peter	Daneault, Gabriel



Davis, Francis  
Hager, Elizabeth  
Larrabee, David, Sr  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Feuerstein, Martin  
Hess, David  
Leber, William  
Moore, Carol  
Poulin, Dave  
St Cyr, Gerard  
Whalley, Michael

Fortnam, Janet  
Hoadley, Elizabeth  
Lockwood, Priscilla  
Nichols, Avis  
Reardon, Tara  
Virtue, Carolyn  
Whittemore, James

Fraser, Marilyn  
Jacobson, Alf  
Marshall, Kenneth  
Owen, Derek  
Rodd, Beth  
Wallin, Jean  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Bridle, Russell  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Robert  
Gibbons, Paul  
Hamel, Albert  
Katsakiores, Phyllis  
Letourneau, Robert  
Mikowski, Walter  
Nowe, Ronald  
Reardon, Neil  
Shelton, Richard  
Sytek, Donna  
Verani, Giovanni  
Zolla, William

Arndt, Janet  
Case, Margaret  
Cox, Russell  
Dolan, Richard  
Flanders, David  
Gleason, John  
Hutchinson, Rebecca  
Kelley, Jane  
Lovejoy, Marian  
Morse, Charles  
O'Keefe, Patricia  
Ruffner, Walter  
Shultis, Elizabeth  
Tufts, J Arthur  
Weare, Everett

Belanger, Ronald  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John, Sr  
Grant, Kenneth  
Johnson, Robert  
Langley, Jane  
Major, Norman  
Norelli, Terie  
O'Neil, Michael  
Sabella, Norma  
Splaine, James  
Varrell, Thomas  
Welch, David

Blanchard, MaryAnn  
Clark, Martha  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Nowe, Mary Lou  
Pitts, Jacqueline  
Schanda, Frank  
Stone, Joseph  
Vaughn, Charles  
Whittier, John

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Pelletier, Marsha  
Snyder, Clair  
Tsiros, William  
Wall, Janet

Brennan, William  
Cossette, Larry  
Estabrook, Iris  
Johnson, Nancy  
Lundborn, Raymond  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph  
Woods, Phyllis

Brown, George  
DeChane, Marlene  
Gilmore, Gary  
Kaen, Naida  
McKinley, Robert  
Rollo, Michael  
Spear, Barbara  
Vachon, Dennis

Brown, Julie  
Domingo, Baldwin  
Grassie, Anne  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Phinizy, James  
Young, David

Burling, Peter  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Kibbey, David  
Tuthill, John

Donovan, Thomas, Jr  
Leone, Richard  
Wiggins, Celestine

and the Corbin floor amendment (0284h) failed.

Reps. Emerton, Gile and Martel voted Yea and intended to vote Nay.

Rep. Dickinson voted Nay and intended to vote Yea.

Rep. DiFruscia offered a floor amendment 0298h).

### Floor Amendment (0298h)

Amend the bill by inserting after section 40 the following and renumbering the original sections 41 and 42 to read as 42 and 43, respectively:

41 Education Future Funding Commission.

I. There is established an education future funding commission whose purpose is to investigate ways and means of establishing the feasibility of legalized gambling whether by slot machine, casino gambling, or any other method. The intent and purpose of the commission is to find a method of future financing for funding education without raising any additional taxes. The commission shall

report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before January 30, 2000.

II. The commission shall be composed of the following members, the legislative members of which shall receive mileage at the legislative rate when attending to the commission's duties: members of the committee shall constitute a quorum.

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.
- (c) The attorney general, or designee.
- (d) The state treasurer, or designee.
- (e) A member of the clergy who has an educational background appointed by the governor.

Amend paragraph 1 of section 43 by replacing it with the following:

I. Sections 23, 31 and 42, X of this act shall take effect July 1, 1999.

Rep. DiFruscia spoke in favor and yielded to questions.

Reps. Sabella and Henderson spoke against.

Rep. DiFruscia requested a roll call; sufficiently seconded.

The question being the adoption of the DiFruscia floor amendment (0298h).

**YEAS 38 NAYS 347**

**YEAS 38**

**BELKNAP**

Boriso, Thomas

**CARROLL**

Babson, David, Jr

Dickinson, Howard

**CHESHIRE**

Avery, Stephen

Roberts, William

Russell, Ronald

Smith, Edwin

**COOS**

Rodrigue, Robert

**GRAFTON**

None

**HILLSBOROUGH**

Burkush, James

Christiansen, Lars

Clemons, Jane

Dawe, Eileen

Desmarais, Vivian

Goley, Jeffrey

Gorman, Mary

Leonard, Peter

McColgan, Philip, Jr

McDonald, James, Sr

Mendenhall, Leslie

Milligan, Robert

Murphy, Robert

Perkins, Paul

Turgeon, Roland

Vaillancourt, Steve

**MERRIMACK**

Wallin, Jean

**ROCKINGHAM**

Belanger, Ronald

DiFruscia, Anthony

Mikowski, Walter

Raynowska, Bernard

Rubin, George

Weyler, Kenneth

Whittier, John

**STRAFFORD**

Bickford, David

Brown, Julie

Keans, Sandra

Tsiros, William

Vachon, Dennis

**SULLIVAN**

Young, David

**NAYS 347****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Pilliod, James  
Thomas, John

Boyce, Robert  
Lawton, David  
Rice, Thomas  
Turner, Robert

Czech, Stanley  
Lawton, Robert  
Rosen, Ralph  
Wendelboe, Francine

Holbrook, Robert  
Millham, Alida  
Salatiello, Thomas  
Wood, Jane

**CARROLL**

Bradley, Jeb  
MacDonald, Kenneth  
Torresen, Gary

Howard, Godfrey  
Mock, Henry

Kenney, Joseph  
Patten, Betsey

Lyman, L Randy  
Philbrick, Donald

**CHESHIRE**

Batchelder, Robert  
Hunt, John  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Rose, William

Burnham, Daniel  
Lynch, Margaret  
Meader, David  
Richardson, Barbara  
Royce, H Charles

Doucette, Richard  
Lynott, Margaret  
Mitchell, McKim  
Riley, William  
Zerba, Roger

**COOS**

Davis, Perley  
Horton, Lynn  
Pratt, Leighton

Glines, Sara  
Landers, Dana  
Tholl, John, Jr

Guay, Lawrence  
Mears, Edgar  
Woodward, David

Hawkinson, Marie  
Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Cobb, John  
Eaton, Stephanie  
Ham, Bonnie  
LaMott, Paul  
Nordgren, Sharon  
Solow, Martha

Alger, John  
Copenhaver, Marion  
Gilman, G Michael  
Harmon, Hobart  
MacNeil, Allen  
Phinney, William  
Ward, Brien

Almy, Susan  
Densmore, Jessica  
Guest, Robert  
Hinman, Harry  
Marshall, Gene  
Picconi, Al  
Weber, Phil

Brothers, Richard  
Dudley, Terri  
Hall, David  
Johnson, Gary  
Mirski, Paul  
Scanlan, David

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Belvin, William  
Bruno, Pierre  
Chabot, Robert  
Coughlin, Pamela  
Dalianis, Griffin  
Durham, Susan  
Fields, Dennis  
Foster, Linda  
Ginsburg, Ruth  
Hall, Betty  
Holley, Sylvia  
Johnson, Lionel  
L'Heureux, Robert  
Lefebvre, Roland  
Lynde, Harold  
McCarthy, William  
McRae, Karen  
Moran, Edward  
O'Connell, Timothy

Alukonis, David  
Baroody, Benjamin  
Bergeron, Lucien  
Buckley, Raymond  
Clegg, Robert, Jr  
Craig, James  
Daniels, Gary  
Dwyer, Paul, Sr  
Fletcher, Richard  
Franks, Suzan  
Goulet, Maurice  
Hansen, Herbert  
Hunter, Bruce  
Keye, Harvey  
LaPorte, George  
Leishman, Peter  
MacGillivray, Jeffrey  
McCarty, Winston  
Melcher, Harold  
Moriarty, Mary  
O'Hearn, Jane

Andrews, Frederick  
Batula, Peter  
Bergin, Peter  
Calawa, Leon, Jr  
Cote, David  
Curran, James  
Desrosiers, William  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Paul  
Haettenschwiller, Alphonse  
Herman, Keith  
Jean, Claudette  
Konys, Christine  
LaRose, Richard  
Lessard, Rudy  
Martel, Andre  
McDonough-Wallace, Alice  
Mercer, Robert  
Mosher, William  
Ouellette, Dean

Arnold, Thomas, Jr  
Beaupre, Roland  
Brundige, Robert  
Carlson, Donald  
Cote, Peter  
Daigle, Robert  
Dokmo, Cynthia  
Emerton, Lawrence  
Ford, Nancy  
Garrish, Linda  
Haley, Robert  
Herman, Richard  
Jean, Loren  
Kurk, Neal  
Lasky, Bette  
Lozeau, Donnalee  
Martin, Mary  
McGough, Tim  
Messier, Irene  
Nolan-Piteri, Dawn  
Ouellette, Mary

Pappas, Marc  
Reidy, Frank  
Simon, Anthony  
White, Donald

Pepino, Leo  
Rowe, Robert  
Tate, Joan  
White, John

Peterson, Andrew  
Sarette, John  
Thulander, O Alan  
Williams, Carol

Reeves, Sandra  
Sargent, Maxwell  
Wall, Nancy  
Withee, Dennis

### MERRIMACK

Anderson, Eric  
Chase, George  
Davis, Francis  
Gile, Mary  
Jacobson, Alf  
Lavoie, Gerard  
Marshall, Kenneth  
Owen, Derek  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, Charles

Asplund, Bronwyn  
Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Kennedy, Richard  
Leber, William  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Bouchard, Candace  
Crowell, Peter  
Fortnam, Janet  
Hess, David  
Langer, Ray  
Lockwood, Priscilla  
Moore, Carol  
Poulin, Dave  
Soltani, Tony  
Whalley, Michael

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hoadley, Elizabeth  
Larrabee, David, Sr  
Marple, Richard  
Nichols, Avis  
Reardon, Tara  
St Cyr, Gerard  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Christie, Andrew, Jr  
Corbin, C David  
Dearborn, Bruce  
Dunham, Vivian  
Flanders, John, Sr  
Grant, Kenneth  
Hutchinson, Karen  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
Nowe, Mary Lou  
O'Neil, Michael  
Priestley, Anne  
Reardon, Neil  
Schanda, Frank  
Stickney, Nancy  
Tufts, J Arthur  
Weare, Everett

Arndt, Janet  
Bridle, Russell  
Clark, Martha  
Cote, Patricia  
Dolan, Richard  
Fesh, Robert  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Rebecca  
Kelley, Jane  
Letourneau, Robert  
Moore, Benjamin  
Nowe, Ronald  
Packard, Sherman  
Putnam, Ed, II  
Ruffner, Walter  
Shelton, Richard  
Stone, Joseph  
Varrell, Thomas  
Welch, David

Beaulieu, Jon  
Carson, Gregory  
Clark, Vivian  
Cox, Russell  
Dowling, Patricia  
Flanagan, Natalie  
Gibbons, Paul  
Hamel, Albert  
Johnson, Robert  
Kobel, Rudolph  
Lovejoy, Marian  
Morse, Charles  
Noyes, Richard  
Pantelakos, Laura  
Quandt, Marshall  
Sabella, Norma  
Shultis, Elizabeth  
Stitch, C Donald  
Vaughn, Charles  
Zolla, William

Bishop, Franklin  
Case, Margaret  
Cooney, Richard  
Dalrymple, Janean  
Downing, Michael  
Flanders, David  
Gleason, John  
Henderson, Warren  
Katsakiores, George  
Langley, Jane  
Major, Norman  
Norelli, Terie  
O'Keefe, Patricia  
Pitts, Jacqueline  
Rabideau, Marie  
Sapareto, Frank  
Splaine, James  
Sytek, Donna  
Verani, Giovanni

### STRAFFORD

Berube, Roger  
Cosslette, Larry  
Estabrook, Iris  
Johnson, Nancy  
McKinley, Robert  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Brennan, William  
DeChane, Marlene  
Gilmore, Gary  
Kaen, Naida  
Musler, George  
Rollo, Michael  
Spear, Barbara  
Wall, Janet

Brown, George  
Domingo, Baldwin  
Grassie, Anne  
Lent, Donald  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Woods, Phyllis

Callaghan, Frank  
Dunlap, Patricia  
Heon, Richard  
Lundborn, Raymond  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
McIntyre, Sara  
Wiggins, Celestine

Burling, Peter  
Jones, Constance  
Phinizy, James

Cloutier, John  
Kibbey, David  
Robb-Theroux, Amy

Donovan, Thomas, Jr  
Leone, Richard  
Tuthill, John

and the DiFruscia floor amendment (0298h) failed.

**MOTION TO LIMIT DEBATE**

Rep. Avery moved that debate on **HB 117-FN-A-L**, establishing a uniform education property tax to provide funding for an adequate public education and making an appropriation therefor, be limited to 30 minutes on each side, excluding questions.

On a division vote, 128 members having voted in the affirmative and 259 in the negative, the motion failed.

The question now being the adoption of the majority report.

Reps. Langley, Carol Moore, Manning, Vaillancourt and Wallin spoke against.

Rep. Vaughn spoke against and yielded to questions.

Reps. Mosher, Ruffner, Kurk, Whalley, Bradley and Sytek spoke in favor.

Rep. Lozeau requested a roll call; sufficiently seconded.

**YEAS 174 NAYS 213****YEAS 174****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine

**CARROLL**

Bradley, Jeb	Chandler, Gene	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	LaMott, Paul
MacNeil, Allen	Marshall, Gene	Picconi, Al	Ward, Brien

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
McGough, Tim	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Crowell, Peter	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Leber, William	Nichols, Avis	Soltani, Tony	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Carson, Gregory	Christie, Andrew, Jr	Clark, Vivian	Cote, Patricia
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dolan, Richard
Dowling, Patricia	Fesh, Robert	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Rabideau, Marie	Reardon, Neil	Ruffner, Walter	Stone, Joseph
Stritch, C Donald	Sytek, Donna	Tufts, J Arthur	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Brown, Julie	Cossette, Larry	McKinley, Robert	Musler, George
Spear, Barbara	Tsiros, William	Woods, Phyllis	

**SULLIVAN**

Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
Young, David			

**NAYS 213****BELKNAP**

Boriso, Thomas	Lawton, David	Lawton, Robert	Salatiello, Thomas
Wood, Jane			

**CARROLL**

Babson, David, Jr	Dickinson, Howard	Howard, Godfrey	Kenney, Joseph
MacDonald, Kenneth	Torresen, Gary		

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

**COOS**

Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert		

**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Ham, Bonnie	Harmon, Hobart	Hinman, Harry
Johnson, Gary	Mirski, Paul	Nordgren, Sharon	Phinney, William
Scanlan, David	Solow, Martha	Weber, Phil	

**HILLSBOROUGH**

Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Buckley, Raymond	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Desrosiers, William	Dokmo, Cynthia	Dwyer, Paul, Sr
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda

Ginsburg, Ruth  
Haley, Robert  
Johnson, Lionel  
Lasky, Bette  
Martin, Mary  
McDonough-Wallace, Alice  
Messier, Irene  
Ouellette, Mary  
Sarette, John  
White, John

Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
Leishman, Peter  
McCarthy, William  
McRae, Karen  
Moriarty, Mary  
Pepino, Leo  
Simon, Anthony  
Williams, Carol

Gorman, Mary  
Herman, Richard  
Konys, Christine  
Leonard, Peter  
McColgan, Philip, Jr  
Melcher, Harold  
Murphy, Robert  
Perkins, Paul  
Turgeon, Roland

Haettenschwiller, Alphonse  
Jean, Claudette  
LaPorte, George  
Lynde, Harold  
McDonald, James, Sr  
Mendenhall, Leslie  
O'Connell, Timothy  
Reidy, Frank  
Vaillancourt, Steve

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Lavoie, Gerard  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Lockwood, Priscilla  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Marple, Richard  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Crosby, Toni  
Fortnam, Janet  
Jacobson, Alf  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Clark, Martha  
Downing, Michael  
Grant, Kenneth  
Kobel, Rudolph  
Moore, Benjamin  
Pitts, Jacqueline  
Rubin, George  
Shelton, Richard  
Vaughn, Charles

Beaulieu, Jon  
Cooney, Richard  
Dunham, Vivian  
Hutchinson, Rebecca  
Langley, Jane  
Norelli, Terie  
Putnam, Ed, II  
Sabella, Norma  
Shultis, Elizabeth

Blanchard, MaryAnn  
Corbin, C David  
Flanagan, Natalie  
Kane, Cecelia  
Langone, John  
O'Keefe, Patricia  
Quandt, Marshall  
Sapareto, Frank  
Splaine, James

Case, Margaret  
Cox, Russell  
Gibbons, Paul  
Kelley, Jane  
Lovejoy, Marian  
Pantelakos, Laura  
Raynowska, Bernard  
Schanda, Frank  
Stickney, Nancy

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Bickford, David  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

Brennan, William  
Domingo, Baldwin  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Brown, George  
Dunlap, Patricia  
Johnson, Nancy  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

### SULLIVAN

Allison, David  
McIntyre, Sara  
Wiggins, Celestine

Burling, Peter  
Phinizy, James

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas, Jr  
Tuthill, John

and the report failed.

Rep. Lozeau moved Re-commit to Committee and spoke in favor.

### LAID ON THE TABLE

Rep. Henderson moved that **HB 117-FN-A-L**, establishing a uniform education property tax to provide funding for an adequate public education and making an appropriation therefor, be laid on the table.

Rep. Lozeau requested a roll call; sufficiently seconded.

**YEAS 198 NAYS 188****YEAS 198****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Millham, Alida  
Thomas, John

Boriso, Thomas  
Johnson, James  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Lawton, David  
Rice, Thomas  
Wendelboe, Francine

Czech, Stanley  
Lawton, Robert  
Rosen, Ralph

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Lyman, L Randy  
Philbrick, Donald

Chandler, Gene  
MacDonald, Kenneth  
Torressen, Gary

Dickinson, Howard  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Picconi, Al

Alger, John  
Eaton, Stephanie  
LaMott, Paul  
Scanlan, David

Brothers, Richard  
Gilman, G Michael  
MacNeil, Allen  
Ward, Brien

Cobb, John  
Harmon, Hobart  
Marshall, Gene  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Dawe, Eileen  
Durham, Susan  
Fletcher, Richard  
Hansen, Herbert  
Jean, Loren  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McRae, Karen  
Mosher, William  
Pappas, Marc  
Rowe, Robert  
Wall, Nancy

Arnold, Thomas, Jr  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Desmarais, Vivian  
Dyer, Merton  
Flora, Kathleen  
Herman, Keith  
Kurk, Neal  
Leishman, Peter  
Martel, Andre  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Desrosiers, William  
Emerton, Lawrence  
Ford, Nancy  
Holley, Sylvia  
L'Heureux, Robert  
Lessard, Rudy  
McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Tate, Joan  
Withee, Dennis

Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Dokmo, Cynthia  
Fields, Dennis  
Goulet, Maurice  
Hunter, Bruce  
LaRose, Richard  
Lozeau, Donnalee  
McGough, Tim  
Moran, Edward  
Ouellette, Dean  
Reeves, Sandra  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Hoadley, Elizabeth  
Leber, William

Asplund, Bronwyn  
Kennedy, Richard  
Nichols, Avis

Crowell, Peter  
Langer, Ray  
Soltani, Tony

Hess, David  
Larrabee, David, Sr  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Cote, Patricia  
Dolan, Richard

Beaulieu, Jon  
Carson, Gregory  
Cox, Russell  
Dowling, Patricia

Belanger, Ronald  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Downing, Michael

Bishop, Franklin  
Clark, Vivian  
Dearborn, Bruce  
Dunham, Vivian



Fesh, Robert  
 Francoeur, Sheila  
 Hamel, Albert  
 Katsakiores, Phyllis  
 McKinney, Betsy  
 Nowe, Mary Lou  
 Packard, Sherman  
 Ruffner, Walter  
 Sytek, Donna  
 Weare, Everett  
 Zolla, William

Flanagan, Natalie  
 Gleason, John  
 Henderson, Warren  
 Letourneau, Robert  
 Mikowski, Walter  
 Nowe, Ronald  
 Priestley, Anne  
 Stickney, Nancy  
 Tufts, J Arthur  
 Welch, David

Flanders, David  
 Grant, Kenneth  
 Hutchinson, Karen  
 Lovejoy, Marian  
 Moore, Benjamin  
 Noyes, Richard  
 Rabideau, Marie  
 Stone, Joseph  
 Varrell, Thomas  
 Weyler, Kenneth

Flanders, John, Sr  
 Griffin, Mary  
 Katsakiores, George  
 Major, Norman  
 Morse, Charles  
 O'Neil, Michael  
 Reardon, Neil  
 Stritch, C Donald  
 Verani, Giovanni  
 Whittier, John

### STRAFFORD

Bickford, David  
 Spear, Barbara

Cossette, Larry  
 Tsiros, William

McKinley, Robert  
 Woods, Phyllis

Musler, George

### SULLIVAN

Flint, Gordon, Sr  
 Young, David

Jones, Constance

Kibbey, David

Leone, Richard

### NAYS 188

### BELKNAP

Salatiello, Thomas

Wood, Jane

### CARROLL

Kenney, Joseph

### CHESHIRE

Batchelder, Robert  
 Doucette, Richard  
 Manning, Joseph  
 Pratt, Irene  
 Robertson, Timothy

Blaisdell, Michael  
 Lerandeau, Alfred  
 McGuirk, Paul  
 Pratt, John  
 Russell, Ronald

Burnham, Daniel  
 Lynch, Margaret  
 Meader, David  
 Richardson, Barbara  
 Zerba, Roger

DePecol, Benjamin  
 Lynott, Margaret  
 Mitchell, McKim  
 Riley, William

### COOS

Davis, Perley  
 Mears, Edgar

Glines, Sara  
 Rodrigue, Robert

Hawkinson, Marie

Landers, Dana

### GRAFTON

Almy, Susan  
 Hall, David  
 Nordgren, Sharon

Copenhaver, Marion  
 Ham, Bonnie  
 Phinney, William

Densmore, Jessica  
 Johnson, Gary  
 Solow, Martha

Guest, Robert  
 Mirski, Paul

### HILLSBOROUGH

Ahern, Richard  
 Bergeron, Lucien  
 Cote, David  
 Daigle, Robert  
 Gagnon, Paul  
 Gorman, Mary  
 Herman, Richard  
 Konys, Christine  
 Lynde, Harold  
 McDonald, James, Sr  
 Messier, Irene

Andrews, Frederick  
 Buckley, Raymond  
 Cote, Peter  
 Dwyer, Paul, Sr  
 Garrish, Linda  
 Haettenschwiller, Alphonse  
 Jean, Claudette  
 LaPorte, George  
 Martin, Mary  
 McDonough-Wallace, Alice  
 Moriarty, Mary

Arthur, Rose  
 Burkush, James  
 Craig, James  
 Foster, Linda  
 Ginsburg, Ruth  
 Haley, Robert  
 Johnson, Lionel  
 Lasky, Bette  
 McCarthy, William  
 Melcher, Harold  
 Murphy, Robert

Baroody, Benjamin  
 Clemons, Jane  
 Curran, James  
 Franks, Suzan  
 Goley, Jeffrey  
 Hall, Betty  
 Keye, Harvey  
 Leonard, Peter  
 McColgan, Philip, Jr  
 Mendenhall, Leslie  
 O'Connell, Timothy

Ouellette, Mary  
Simon, Anthony  
Williams, Carol

Perkins, Paul  
Turgeon, Roland

Reidy, Frank  
Vaillancourt, Steve

Sarette, John  
White, John

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Lockwood, Priscilla  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Marple, Richard  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Crosby, Toni  
Fortnam, Janet  
Lavoie, Gerard  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Cooney, Richard  
Hutchinson, Rebecca  
Kobel, Rudolph  
O'Keefe, Patricia  
Quandt, Marshall  
Sapareto, Frank  
Splaine, James

Blanchard, MaryAnn  
Corbin, C David  
Johnson, Robert  
Langley, Jane  
Pantelakos, Laura  
Raynowska, Bernard  
Schanda, Frank  
Vaughn, Charles

Case, Margaret  
DiFruscia, Anthony  
Kane, Cecelia  
Langone, John  
Pitts, Jacqueline  
Rubin, George  
Shelton, Richard

Clark, Martha  
Gibbons, Paul  
Kelley, Jane  
Norelli, Terie  
Putnam, Ed, II  
Sabella, Norma  
Shultis, Elizabeth

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Brennan, William  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

Brown, George  
Domingo, Baldwin  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

### SULLIVAN

Allison, David  
McIntyre, Sara  
Wiggins, Celestine

Burling, Peter  
Phinizy, James

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas, Jr  
Tuthill, John

and the motion was adopted.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Boyce requested that his protest be entered on the Journal.

I believe that the Supreme Court violated and misinterpreted the New Hampshire Constitution in their Claremont decisions. I further believe that the Governor and the Attorney General violated their oaths of office by not appealing or otherwise challenging these wrongful decisions.

I also believe that in the previous session, the Governor spent months "poisoning the well" of public opinion against any Constitutional amendment to reverse the Supreme Court's decisions thereby preventing passage of any amendment. The Governor is now proposing what I believe to be an unconstitutional referendum.

Because I believe that if no legislation is advanced from the people's House to answer the Supreme Court's deadline the Court may further violate the Constitution and/or the Governor may violate the Constitution, I find that I must vote to pass at least one bill that would satisfy the Supreme Court's ruling. Since I believe that there is no section of HB 117 that constitutes a violation of the Constitution and because I believe that, with the exception of HB 114 which the House is unwilling to pass and the Court would doubtless reject because it is not a statewide tax scheme, the other alternatives available to us this day are all either unconstitutional, threaten our State's economy or both, I find I must vote for HB 117.

My objection to voting for HB 117 is that in so doing we are working to write into law part of the Supreme Court's wrongful ruling, specifically their assertion that the current system of supporting school with locally imposed and controlled property taxes is in fact a statewide property tax. By sending this bill to the Senate we in essence let the court "off the hook." That we are doing so in order to acquiesce to the Court's deadline is also objectionable. However, I cannot "do nothing" and allow the Court and/or the Governor to further violate the Constitution or destroy our economy. Therefore, this day I have voted to pass and send to the Senate HB 117 and then to lay it on the table.

**(Speaker Sytek in the Chair)**

**REMOVED FROM THE TABLE**

Rep. Hager moved that **HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor, be removed from the table. (Pending question: Ought to Pass)

Rep. Whalley requested a roll call; sufficiently seconded.

**YEAS 211 NAYS 175**

**YEAS 211**

**BELKNAP**

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

**CARROLL**

Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Richardson, Barbara  
Zerba, Roger

**COOS**

Davis, Perley  
Mears, Edgar

Glines, Sara  
Rodrigue, Robert

Hawkinson, Marie  
Woodward, David

Landers, Dana

**GRAFTON**

Almy, Susan  
Ham, Bonnie  
Scanlan, David

Copenhaver, Marion  
Johnson, Gary  
Solow, Martha

Densmore, Jessica  
Nordgren, Sharon  
Ward, Brian

Guest, Robert  
Phinney, William

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Lucien  
Carlson, Donald  
Curran, James  
Durham, Susan  
Foster, Linda  
Ginsburg, Ruth  
Haley, Robert  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
McColgan, Philip, Jr  
Mendenhall, Leslie  
O'Connell, Timothy  
Sarette, John  
White, John

Arnold, Thomas, Jr  
Bruno, Pierre  
Clemons, Jane  
Daigle, Robert  
Dwyer, Paul, Sr  
Franks, Suzan  
Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
Martin, Mary  
McDonald, James, Sr  
Messier, Irene  
Ouellette, Mary  
Simon, Anthony  
Williams, Carol

Arthur, Rose  
Buckley, Raymond  
Cote, Peter  
Dawe, Eileen  
Dyer, Merton  
Gagnon, Paul  
Gorman, Mary  
Herman, Richard  
Konys, Christine  
Leishman, Peter  
McCarthy, William  
McDonough-Wallace, Alice  
Moriarty, Mary  
Perkins, Paul  
Turgeon, Roland

Baroody, Benjamin  
Burkush, James  
Craig, James  
Dokmo, Cynthia  
Ford, Nancy  
Garrish, Linda  
Haettenschwiller, Alphonse  
Jean, Claudette  
LaPorte, George  
Leonard, Peter  
McCarty, Winston  
Melcher, Harold  
Murphy, Robert  
Reidy, Frank  
Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace  
Crowell, Peter  
Fortnam, Janet  
Jacobson, Alf  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Larrabee, David, Sr  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Chase, George  
Davis, Francis  
Gile, Mary  
Lavoie, Gerard  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Cooney, Richard  
Dunham, Vivian  
Johnson, Robert  
Langley, Jane  
O'Keefe, Patricia  
Sabella, Norma  
Shultis, Elizabeth

Blanchard, MaryAnn  
Cox, Russell  
Flanagan, Natalie  
Kane, Cecelia  
Langone, John  
Pantelakos, Laura  
Sapareto, Frank  
Splaine, James

Case, Margaret  
Dearborn, Bruce  
Gibbons, Paul  
Katsakiores, Phyllis  
Lovejoy, Marian  
Pitts, Jacqueline  
Schanda, Frank  
Stritch, C Donald

Clark, Martha  
Downing, Michael  
Hutchinson, Rebecca  
Kelley, Jane  
Norelli, Terie  
Rubin, George  
Shelton, Richard  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Lundborn, Raymond  
Rollo, Michael  
Spear, Barbara  
Vincent, Francis

Bickford, David  
Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

Brown, George  
Domingo, Baldwin  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Flint, Gordon, Sr  
McIntyre, Sara  
Wiggins, Celestine

Burling, Peter  
Jones, Constance  
Phinizy, James

Cloutier, John  
Kibbey, David  
Robb-Theroux, Amy

Donovan, Thomas, Jr  
Leone, Richard  
Tuthill, John

**NAYS 175****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Wendelboe, Francine

Boriso, Thomas  
Johnson, James  
Rosen, Ralph

Boyce, Robert  
Lawton, David  
Thomas, John

Czech, Stanley  
Lawton, Robert  
Turner, Robert

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsy

Chandler, Gene  
Lyman, L Randy  
Torressen, Gary

Dickinson, Howard  
MacDonald, Kenneth

**CHESHIRE**

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

Royce, H Charles

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Harmon, Hobart  
Marshall, Gene

Alger, John  
Eaton, Stephanie  
Hinman, Harry  
Mirski, Paul

Brothers, Richard  
Gilman, G Michael  
LaMott, Paul  
Picconi, Al

Cobb, John  
Hall, David  
MacNeil, Allen  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Chabot, Robert  
Coughlin, Pamela  
Desrosiers, William  
Flora, Kathleen  
Holley, Sylvia  
L'Heureux, Robert  
MacGillivray, Jeffrey  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

Andrews, Frederick  
Bergin, Peter  
Christiansen, Lars  
Dalianis, Griffin  
Emerton, Lawrence  
Goulet, Maurice  
Hunter, Bruce  
LaRose, Richard  
Martel, Andre  
Milligan, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Tate, Joan  
Withee, Dennis

Batula, Peter  
Brundige, Robert  
Clegg, Robert, Jr  
Daniels, Gary  
Fields, Dennis  
Hansen, Herbert  
Jean, Loren  
Lessard, Rudy  
McGough, Tim  
Moran, Edward  
Ouellette, Dean  
Reeves, Sandra  
Thulander, O Alan

Beaupre, Roland  
Calawa, Leon, Jr  
Cote, David  
Desmarais, Vivian  
Fletcher, Richard  
Herman, Keith  
Kurk, Neal  
Lozeau, Donnalee  
McRae, Karen  
Mosher, William  
Pappas, Marc  
Rowe, Robert  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
Nichols, Avis

Asplund, Bronwyn  
Langer, Ray  
Soltani, Tony

Hess, David  
Leber, William  
Whalley, Michael

Hoadley, Elizabeth  
Marple, Richard

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Corbin, C David  
Dolan, Richard  
Flanders, John, Sr  
Griffin, Mary  
Katsakiores, George  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie  
Stickney, Nancy  
Verani, Giovanni  
Whittier, John

Beaulieu, Jon  
Carson, Gregory  
Cote, Patricia  
Dowling, Patricia  
Francoeur, Sheila  
Hamel, Albert  
Kobel, Rudolph  
Mikowski, Walter  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard  
Stone, Joseph  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Fesh, Robert  
Gleason, John  
Henderson, Warren  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Putnam, Ed, II  
Reardon, Neil  
Tufts, J Arthur  
Welch, David

Bishop, Franklin  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, David  
Grant, Kenneth  
Hutchinson, Karen  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas  
Weyler, Kenneth

**STRAFFORD**

Cossette, Larry  
Woods, Phyllis

McKinley, Robert

Musler, George

Tsiros, William

**SULLIVAN**

Young, David

and the motion was adopted.

**CONSIDERATION OF HOUSE BILL 109**

**HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor.

The question being Ought to Pass.

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Wendelboe spoke against and yielded to questions.

Rep. McGuirk requested a quorum count. The Speaker declared a quorum present.

Reps. McGuirk, Pilliod and Brewster spoke in favor.

Reps. Guay and Vivian Clark spoke against.

Rep. Clegg spoke against and yielded to questions.

Rep. Hager spoke in favor and yielded to questions.

### MOTION TO LAY ON THE TABLE

Rep. Dolan moved that **HB 109-FN-A-L**, establishing a flat rate education income tax and a state-wide education property tax to fund public education and making an appropriation therefor, be laid on the table.

Rep. Franks requested a roll call; sufficiently seconded.

### YEAS 175 NAYS 210

#### YEAS 175

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine

#### CARROLL

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Torresen, Gary	

#### CHESHIRE

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

#### COOS

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			

#### GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	LaMott, Paul	MacNeil, Allen
Mirski, Paul	Picconi, Al	Weber, Phil	

#### HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Calawa, Leon, Jr
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr	Cote, David
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Emerton, Lawrence	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	LaRose, Richard
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
Martin, Mary	McGough, Tim	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	Nolan-Piteri, Dawn
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Wall, Nancy	White, Donald
Withee, Dennis			

**MERRIMACK**

Anderson, Eric  
Langer, Ray  
Soltani, Tony

Asplund, Bronwyn  
Leber, William  
Whalley, Michael

Hoadley, Elizabeth  
Marple, Richard

Kennedy, Richard  
Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Cote, Patricia  
Dowling, Patricia  
Flanders, David  
Grant, Kenneth  
Hutchinson, Karen  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Putnam, Ed, II  
Reardon, Neil  
Stone, Joseph  
Weare, Everett  
Zolla, William

Beaulieu, Jon  
Carson, Gregory  
Dalrymple, Janeen  
Dunham, Vivian  
Flanders, John, Sr  
Griffin, Mary  
Katsakiores, George  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Rubin, George  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Clark, Vivian  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Varrell, Thomas  
Weyler, Kenneth

Bishop, Franklin  
Corbin, C David  
Dolan, Richard  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Kobel, Rudolph  
Mikowski, Walter  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard  
Stickney, Nancy  
Verani, Giovanni  
Whittier, John

**STRAFFORD**

Cossette, Larry  
Woods, Phyllis

McKinley, Robert

Musler, George

Tsiros, William

**SULLIVAN**

Kibbey, David

Young, David

**NAYS 210****BELKNAP**

Millham, Alida  
Wood, Jane

Pilliod, James

Rice, Thomas

Salatiello, Thomas

**CARROLL**

Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Richardson, Barbara  
Zerba, Roger

**COOS**

Davis, Perley  
Mears, Edgar

Glines, Sara  
Rodrigue, Robert

Hawkinson, Marie  
Woodward, David

Landers, Dana

**GRAFTON**

Almy, Susan  
Ham, Bonnie  
Phinney, William

Copenhaver, Marion  
Johnson, Gary  
Scanlan, David

Densmore, Jessica  
Marshall, Gene  
Solow, Martha

Guest, Robert  
Nordgren, Sharon  
Ward, Brien

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Lucien

Arnold, Thomas, Jr  
Bruno, Pierre

Arthur, Rose  
Buckley, Raymond

Baroody, Benjamin  
Burkush, James

Carlson, Donald  
 Curran, James  
 Durham, Susan  
 Foster, Linda  
 Ginsburg, Ruth  
 Haley, Robert  
 Johnson, Lionel  
 L'Heureux, Robert  
 Leishman, Peter  
 McCarty, Winston  
 Melcher, Harold  
 Murphy, Robert  
 Reidy, Frank  
 Vaillancourt, Steve

Clemons, Jane  
 Daigle, Robert  
 Dwyer, Paul, Sr  
 Franks, Suzan  
 Goley, Jeffrey  
 Hall, Betty  
 Keye, Harvey  
 LaPorte, George  
 Leonard, Peter  
 McColgan, Philip, Jr  
 Mendenhall, Leslie  
 O'Connell, Timothy  
 Sarette, John  
 White, John

Cote, Peter  
 Dawe, Eileen  
 Dyer, Merton  
 Gagnon, Paul  
 Gorman, Mary  
 Herman, Richard  
 Konyas, Christine  
 Lasky, Bette  
 Lynde, Harold  
 McDonald, James, Sr  
 Messier, Irene  
 Ouellette, Mary  
 Simon, Anthony  
 Williams, Carol

Craig, James  
 Dokmo, Cynthia  
 Ford, Nancy  
 Garrish, Linda  
 Haettenschwiler, Alphonse  
 Jean, Claudette  
 Kurk, Neal  
 Lefebvre, Roland  
 McCarthy, William  
 McDonough-Wallace, Alice  
 Moriarty, Mary  
 Perkins, Paul  
 Turgeon, Roland

### MERRIMACK

Bouchard, Candace  
 Crowell, Peter  
 Fortnam, Janet  
 Hess, David  
 Lockwood, Priscilla  
 Owen, Derek  
 Rodd, Beth  
 Wallin, Jean

Brewster, Richard  
 Daneault, Gabriel  
 Fraser, Marilyn  
 Jacobson, Alf  
 Marshall, Kenneth  
 Potter, Frances  
 Seldin, Gloria  
 Wallner, Mary Jane

Chase, George  
 Davis, Francis  
 Gile, Mary  
 Larrabee, David, Sr  
 Maxfield, Roy  
 Poulin, Dave  
 St Cyr, Gerard  
 Whittemore, James

Crosby, Toni  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Lavoie, Gerard  
 Moore, Carol  
 Reardon, Tara  
 Virtue, Carolyn  
 Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
 Clark, Martha  
 Downing, Michael  
 Kane, Cecelia  
 Lovejoy, Marian  
 Pitts, Jacqueline  
 Shelton, Richard  
 Vaughn, Charles

Blanchard, MaryAnn  
 Cooney, Richard  
 Gleason, John  
 Kelley, Jane  
 Norelli, Terie  
 Sabella, Norma  
 Shultis, Elizabeth

Case, Margaret  
 Cox, Russell  
 Hutchinson, Rebecca  
 Langley, Jane  
 O'Keefe, Patricia  
 Sapareto, Frank  
 Splaine, James

Christie, Andrew, Jr  
 Dearborn, Bruce  
 Johnson, Robert  
 Langone, John  
 Pantelakos, Laura  
 Schanda, Frank  
 Stritch, C Donald

### STRAFFORD

Berube, Roger  
 Brown, Julie  
 Dunlap, Patricia  
 Johnson, Nancy  
 Pelletier, Arthur  
 Smith, Marjorie  
 Taylor, Kathleen  
 Wall, Janet

Bickford, David  
 Callaghan, Frank  
 Estabrook, Iris  
 Kaen, Naida  
 Pelletier, Marsha  
 Snyder, Clair  
 Twardus, Joseph

Brennan, William  
 DeChane, Marlene  
 Gilmore, Gary  
 Keans, Sandra  
 Rogers, Rose Marie  
 Spang, Judith  
 Vachon, Dennis

Brown, George  
 Domingo, Baldwin  
 Heon, Richard  
 Lent, Donald  
 Rollo, Michael  
 Spear, Barbara  
 Vincent, Francis

### SULLIVAN

Allison, David  
 Flint, Gordon, Sr  
 Phinizy, James

Burling, Peter  
 Jones, Constance  
 Robb-Theroux, Amy

Cloutier, John  
 Leone, Richard  
 Tuthill, John

Donovan, Thomas, Jr  
 McIntyre, Sara  
 Wiggins, Celestine

and the motion failed.

### CONSIDERATION OF HB 109 (CONT'D)

The question now being Ought to Pass.

Rep. Henderson spoke against and yielded to questions.

Rep. Corbin offered a floor amendment.



**Floor Amendment (0286h)**

Amend the title of the bill by replacing it with the following:

AN ACT declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

Amend the bill by replacing all after the enacting clause with the following:

I Statement of Findings and Intent; Affirmation by the Legislature of the Constitutionality of the Current Tax Structure.

I. The members of the executive and legislative branches of the state of New Hampshire, having made and subscribed an oath to God and to the state and its constitution, or alternatively, by affirming under the pains and penalties of perjury, their allegiance to the state of New Hampshire and its constitution pursuant to part II, article 84 of said constitution, hereby find that the decision of the New Hampshire supreme court nullifying the use of the current property tax structure as the means for funding public education is an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

II. In furtherance of this position, the legislature finds that under part I, article 28 of the New Hampshire constitution, the legislature possesses the sole authority to create laws, and that under part I, article 29 of said constitution, the legislature possesses the sole authority to suspend laws. Moreover, the legislature finds additional constitutional support for its position as follows:

(a) Part I, article 1, relative to the origin and object of government.

(b) Part I, article 2 relative to individual property rights.

(c) Part I, article 6 relative to local control of education, both religious and secular.

(d) Part I, article 12, relative to the consent of the governed on taxation.

(e) Part I, article 28, relative to the consent of the people, or their representatives in the legislature, prior to the establishment or imposition of a tax.

(f) Part I, article 28-a, relative to the prohibition on unfunded mandates.

(g) Part I, article 31 and part II, article 2, relative to the authority of the legislature to make laws.

(h) Part II, article 83, relative to the New Hampshire supreme court's inconsistent and unsupported interpretation of "cherish" to mean "to require payment for" within the context of this article.

III. The legislature hereby finds and declares that the current tax structure shall be legally binding until such time as the legislature may vote to change it. The legislature further finds that any attempt by the supreme court, or any other lower court, to interrupt or discontinue funding to the cities and towns, and their school districts, shall be met with the filing of articles of impeachment.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill sets forth a legislative declaration, supported by constitutional findings, that the New Hampshire supreme court's Claremont II decision nullifying the current tax structure is an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

Reps. Corbin and Herman spoke in favor.

Rep. McGough requested a roll call; sufficiently seconded.

The question being the adoption of the Corbin floor amendment.

**YEAS 159 NAYS 224****YEAS 159****BELKNAP**

Bartlett, Gordon

Holbrook, Robert

Rice, Thomas

Wendelboe, Francine

Boriso, Thomas

Johnson, James

Rosen, Ralph

Boyce, Robert

Lawton, David

Thomas, John

Czech, Stanley

Lawton, Robert

Turner, Robert

**CARROLL**

Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Torressen, Gary		

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	LaMott, Paul
Mirski, Paul	Picconi, Al	Weber, Phil	

**HILLSBOROUGH**

Alukonis, David	Batula, Peter	Beaupre, Roland	Belvin, William
Brundige, Robert	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Desrosiers, William
Emerton, Lawrence	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	LaRose, Richard	Lefebvre, Roland
Lessard, Rudy	Lozeau, DonnaLee	Martel, Andre	Martin, Mary
McGough, Tim	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Sargent, Maxwell	Tate, Joan
Wall, Nancy	White, Donald	Withee, Dennis	

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Kennedy, Richard	Langer, Ray
Lavoie, Gerard	Leber, William	Marple, Richard	Nichols, Avis
Soltani, Tony	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Carson, Gregory	Christie, Andrew, Jr	Clark, Vivian
Corbin, C David	Cote, Patricia	Dalrymple, Janeen	Dolan, Richard
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Priestley, Anne
Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Rubin, George	Ruffner, Walter	Stickney, Nancy
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

**STRAFFORD**

McKinley, Robert	Musler, George	Tsiros, William	Woods, Phyllis
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**SULLIVAN**

None

**NAYS 224****BELKNAP**

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

**CARROLL**

Bradley, Jeb

Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Richardson, Barbara  
Zerba, Roger

**COOS**

Davis, Perley  
Mears, Edgar

Glines, Sara  
Rodrigue, Robert

Hawkinson, Marie

Landers, Dana

**GRAFTON**

Almy, Susan  
Johnson, Gary  
Scanlan, David

Copenhaver, Marion  
Marshall, Gene  
Solow, Martha

Densmore, Jessica  
Nordgren, Sharon  
Ward, Brien

Guest, Robert  
Phinney, William

**HILLSBOROUGH**

Ahern, Richard  
Baroody, Benjamin  
Buckley, Raymond  
Clemons, Jane  
Craig, James  
Dokmo, Cynthia  
Foster, Linda  
Ginsburg, Ruth  
Haley, Robert  
Johnson, Lionel  
L'Heureux, Robert  
Leonard, Peter  
McCarty, Winston  
Melcher, Harold  
Murphy, Robert  
Ouellette, Mary  
Rowe, Robert  
Turgeon, Roland

Andrews, Frederick  
Bergeron, Lucien  
Burkush, James  
Cote, David  
Curran, James  
Durham, Susan  
Franks, Suzan  
Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
LaPorte, George  
Lynde, Harold  
McColgan, Philip, Jr  
Mendenhall, Leslie  
Nolan-Piteri, Dawn  
Perkins, Paul  
Sarette, John  
Vaillancourt, Steve

Arnold, Thomas, Jr  
Bergin, Peter  
Calawa, Leon, Jr  
Cote, Peter  
Daigle, Robert  
Dwyer, Paul, Sr  
Gagnon, Paul  
Gorman, Mary  
Herman, Richard  
Konys, Christine  
Lasky, Bette  
MacGillivray, Jeffrey  
McDonald, James, Sr  
Messier, Irene  
O'Connell, Timothy  
Peterson, Andrew  
Simon, Anthony  
White, John

Arthur, Rose  
Bruno, Pierre  
Carlson, Donald  
Coughlin, Pamela  
Dawe, Eileen  
Dyer, Merton  
Garrish, Linda  
Haettenschwiller, Alphonse  
Jean, Claudette  
Kurk, Neal  
Leishman, Peter  
McCarthy, William  
McDonough-Wallace, Alice  
Moriarty, Mary  
O'Hearn, Jane  
Reidy, Frank  
Thulander, O Alan  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Crowell, Peter  
Fortnam, Janet  
Hess, David  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Brewster, Richard  
Daneault, Gabriel  
Fraser, Marilyn  
Hoadley, Elizabeth  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
Davis, Francis  
Gile, Mary  
Jacobson, Alf  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Larrabee, David, Sr  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Cooney, Richard	Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Langley, Jane	Langone, John	Lovejoy, Marian
Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael	Pantelakos, Laura
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stritch, C Donald
Vaughn, Charles			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Spear, Barbara	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
McIntyre, Sara	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine	Young, David		

and the Corbin floor amendment failed.

The question now being Ought to Pass.

Rep. McGuirk requested a roll call; sufficiently seconded.

**YEAS 194 NAYS 190****YEAS 194****BELKNAP**

Millham, Alida	Pilliod, James	Salatiello, Thomas	Wood, Jane
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**CARROLL**

Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Zerba, Roger

**COOS**

Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert		

**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Johnson, Gary	Nordgren, Sharon	Phinney, William	Solow, Martha
Ward, Brien			

**HILLSBOROUGH**

Ahern, Richard  
 Bruno, Pierre  
 Clemons, Jane  
 Daigle, Robert  
 Dyer, Merton  
 Gagnon, Paul  
 Haettenschwiller, Alphonse  
 Jean, Claudette  
 Lasky, Bette  
 McCarthy, William  
 McDonough-Wallace, Alice  
 Moriarty, Mary  
 Perkins, Paul  
 White, John

Arnold, Thomas, Jr  
 Buckley, Raymond  
 Cote, Peter  
 Dawe, Eileen  
 Ford, Nancy  
 Garrish, Linda  
 Haley, Robert  
 Keye, Harvey  
 Lefebvre, Roland  
 McCarty, Winston  
 Melcher, Harold  
 Murphy, Robert  
 Reidy, Frank  
 Williams, Carol

Arthur, Rose  
 Burkush, James  
 Craig, James  
 Durham, Susan  
 Foster, Linda  
 Ginsburg, Ruth  
 Hall, Betty  
 Konys, Christine  
 Leonard, Peter  
 McColgan, Philip, Jr  
 Mendenhall, Leslie  
 O'Connell, Timothy  
 Sarette, John

Bergeron, Lucien  
 Carlson, Donald  
 Curran, James  
 Dwyer, Paul, Sr  
 Franks, Suzan  
 Gorman, Mary  
 Herman, Richard  
 LaPorte, George  
 Lynde, Harold  
 McDonald, James, Sr  
 Messier, Irene  
 Ouellette, Mary  
 Simon, Anthony

**MERRIMACK**

Bouchard, Candace  
 Crowell, Peter  
 Fortnam, Janet  
 Jacobson, Alf  
 Marshall, Kenneth  
 Potter, Frances  
 Seidin, Gloria  
 Wallner, Mary Jane

Brewster, Richard  
 Daneault, Gabriel  
 Fraser, Marilyn  
 Larrabee, David, Sr  
 Maxfield, Roy  
 Poulin, Dave  
 St Cyr, Gerard  
 Whittemore, James

Chase, George  
 Davis, Francis  
 Gile, Mary  
 Lavoie, Gerard  
 Moore, Carol  
 Reardon, Tara  
 Virtue, Carolyn  
 Yeaton, Charles

Crosby, Toni  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Lockwood, Priscilla  
 Owen, Derek  
 Rodd, Beth  
 Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
 Cooney, Richard  
 Gleason, John  
 Kelley, Jane  
 Norelli, Terie  
 Sabella, Norma  
 Shultis, Elizabeth

Blanchard, MaryAnn  
 Cox, Russell  
 Hutchinson, Rebecca  
 Langley, Jane  
 O'Keefe, Patricia  
 Sapareto, Frank  
 Splaine, James

Case, Margaret  
 Dearborn, Bruce  
 Johnson, Robert  
 Langone, John  
 Pantelakos, Laura  
 Schanda, Frank  
 Stritch, C Donald

Clark, Martha  
 Downing, Michael  
 Kane, Cecelia  
 Lovejoy, Marian  
 Pitts, Jacqueline  
 Shelton, Richard  
 Vaughn, Charles

**STRAFFORD**

Berube, Roger  
 Brown, Julie  
 Dunlap, Patricia  
 Johnson, Nancy  
 Pelletier, Arthur  
 Smith, Marjorie  
 Taylor, Kathleen  
 Wall, Janet

Bickford, David  
 Callaghan, Frank  
 Estabrook, Iris  
 Kaen, Naida  
 Pelletier, Marsha  
 Snyder, Clair  
 Twardus, Joseph

Brennan, William  
 DeChane, Marlene  
 Gilmore, Gary  
 Keans, Sandra  
 Rogers, Rose Marie  
 Spang, Judith  
 Vachon, Dennis

Brown, George  
 Domingo, Baldwin  
 Heon, Richard  
 Lent, Donald  
 Rollo, Michael  
 Spear, Barbara  
 Vincent, Francis

**SULLIVAN**

Allison, David  
 Flint, Gordon, Sr  
 Phinizy, James

Burling, Peter  
 Jones, Constance  
 Robb-Theroux, Amy

Cloutier, John  
 Leone, Richard  
 Tuthill, John

Donovan, Thomas, Jr  
 McIntyre, Sara  
 Wiggins, Celestine

**NAYS 190****BELKNAP**

Bartlett, Gordon  
 Holbrook, Robert  
 Rice, Thomas  
 Wendelboe, Francine

Boriso, Thomas  
 Johnson, James  
 Rosen, Ralph

Boyce, Robert  
 Lawton, David  
 Thomas, John

Czech, Stanley  
 Lawton, Robert  
 Turner, Robert

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Torressen, Gary

Dickinson, Howard  
MacDonald, Kenneth

**CHESHIRE**

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

Royce, H Charles

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Ham, Bonnie  
Marshall, Gene  
Weber, Phil

Alger, John  
Eaton, Stephanie  
Harmon, Hobart  
Mirski, Paul

Brothers, Richard  
Gilman, G Michael  
Hinman, Harry  
Picconi, Al

Cobb, John  
Hall, David  
LaMott, Paul  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Calawa, Leon, Jr  
Cote, David  
Desmarais, Vivian  
Fields, Dennis  
Goulet, Maurice  
Hunter, Bruce  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Moran, Edward  
Ouellette, Dean  
Reeves, Sandra  
Thulander, O Alan  
White, Donald

Andrews, Frederick  
Belvin, William  
Chabot, Robert  
Coughlin, Pamela  
Desrosiers, William  
Fletcher, Richard  
Hansen, Herbert  
Jean, Loren  
LaRose, Richard  
MacGillivray, Jeffrey  
McRae, Karen  
Mosher, William  
Pappas, Marc  
Rowe, Robert  
Turgeon, Roland  
Withee, Dennis

Baroody, Benjamin  
Bergin, Peter  
Christiansen, Lars  
Dalianis, Griffin  
Dokmo, Cynthia  
Flora, Kathleen  
Herman, Keith  
Johnson, Lionel  
Leishman, Peter  
Martel, Andre  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sargent, Maxwell  
Vaillancourt, Steve

Batula, Peter  
Brundige, Robert  
Clegg, Robert, Jr  
Daniels, Gary  
Emerton, Lawrence  
Goley, Jeffrey  
Holley, Sylvia  
Kurk, Neal  
Lessard, Rudy  
Martin, Mary  
Milligan, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Tate, Joan  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
Nichols, Avis

Asplund, Bronwyn  
Langer, Ray  
Soltani, Tony

Hess, David  
Leber, William  
Whalley, Michael

Hoadley, Elizabeth  
Marple, Richard

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Corbin, C David  
Dolan, Richard  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Kobel, Rudolph  
Mikowski, Walter  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard

Beaulieu, Jon  
Carson, Gregory  
Cote, Patricia  
Dowling, Patricia  
Flanders, David  
Grant, Kenneth  
Hutchinson, Karen  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Putnam, Ed, II  
Reardon, Neil

Belanger, Ronald  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Dunham, Vivian  
Flanders, John, Sr  
Griffin, Mary  
Katsakiores, George  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Rubin, George

Bishop, Franklin  
Clark, Vivian  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter

Stickney, Nancy  
Verani, Giovanni  
Whittier, John

Stone, Joseph  
Weare, Everett  
Zolla, William

Tufts, J Arthur  
Welch, David

Varrell, Thomas  
Weyler, Kenneth

### STRAFFORD

Cossette, Larry  
Woods, Phyllis

McKinley, Robert

Musler, George

Tsiros, William

### SULLIVAN

Kibbey, David

Young, David

and Ought to Pass was adopted.  
Ordered to third reading.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Weber requested that his protest, and that of the undersigned members, be entered on the Journal.

At a time when the world is ardently turning from the bondage of socialism, it is fascinating we in this state would seek to embrace economic slavery. I am reminded of what Franklin said about the U.S. Constitution during the second convention, "It will do for a time, in the end we will have despotism because the people will demand it." Those who want a centralized tax structure are socialist in their philosophies of government. I call on them to be intellectually honest. If those who have voted yes, want to improve the government education system, perhaps they can cite examples of how the trend towards centralized control and command have augmented the quality of education. The truth is our form of governing the tax supported school system requires responsibility at the local level for the prudent management of quality education at a reasonable level of funding. Placing the funding in the hands of nameless ill responsible persons at the state level will not prove productive if the objective is to improve education.

Representatives:

Weber  
Boyce  
Marple  
Loren Jean

Corbin  
Alger  
Rabideau

Gilman  
Soltani  
Beaulieu

David Hall  
Mirski  
McGough

### REGULAR CALENDAR (CONT'D)

**HB 308**, relative to the venue of actions against municipalities. **INEXPEDIENT TO LEGISLATE** Rep. McKim W. Mitchell for Judiciary: This bill was introduced at the request of the Municipal Association to require persons filing claims against local municipal agencies to file the claim in the district courts in which the agency is located. The committee felt that for too long we have been eroding individual rights in the name of governmental convenience. Therefore this bill was found inexpedient to legislate. Vote 15-2.

Adopted.

### MOTION TO SPECIAL ORDER

Rep. Mock moved that **HB 342**, repealing certain laws pertaining to adverse possession, be made a Special Order for Thursday, March 18, 1999 in the Regular Calendar order.

Adopted.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Hager moved that the House reconsider its action whereby it ordered to third reading **HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor, and spoke against.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being on the motion to reconsider.

**YEAS 183 NAYS 197****YEAS 183****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Wendelboe, Francine

Boriso, Thomas  
Johnson, James  
Rosen, Ralph

Boyce, Robert  
Lawton, David  
Thomas, John

Czech, Stanley  
Lawton, Robert  
Turner, Robert

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Torresen, Gary

Dickinson, Howard  
MacDonald, Kenneth

**CHESHIRE**

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

Royce, H Charles

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Harmon, Hobart  
Mirski, Paul

Alger, John  
Eaton, Stephanie  
Hinman, Harry  
Picconi, Al

Brothers, Richard  
Gilman, G Michael  
LaMott, Paul  
Scanlan, David

Cobb, John  
Hall, David  
Marshall, Gene  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Calawa, Leon, Jr  
Cote, David  
Desmarais, Vivian  
Fletcher, Richard  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McGough, Tim  
Moran, Edward  
Ouellette, Dean  
Sargent, Maxwell  
Wall, Nancy

Andrews, Frederick  
Belvin, William  
Chabot, Robert  
Coughlin, Pamela  
Dokmo, Cynthia  
Flora, Kathleen  
Holley, Sylvia  
L'Heureux, Robert  
Lozeau, Donnalee  
McRae, Karen  
Mosher, William  
Peterson, Andrew  
Tate, Joan  
White, Donald

Baroody, Benjamin  
Bergin, Peter  
Christiansen, Lars  
Dalianis, Griffin  
Emerton, Lawrence  
Goulet, Maurice  
Hunter, Bruce  
LaRose, Richard  
MacGillivray, Jeffrey  
Mercer, Robert  
Nolan-Piteri, Dawn  
Reeves, Sandra  
Thulander, O Alan  
Withee, Dennis

Batula, Peter  
Brundige, Robert  
Clegg, Robert, Jr  
Daniels, Gary  
Fields, Dennis  
Hansen, Herbert  
Jean, Loren  
Leishman, Peter  
Martel, Andre  
Milligan, Robert  
O'Hearn, Jane  
Rowe, Robert  
Turgeon, Roland

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
Nichols, Avis

Asplund, Bronwyn  
Langer, Ray  
Soltani, Tony

Hess, David  
Leber, William  
Whalley, Michael

Hoadley, Elizabeth  
Marple, Richard

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Corbin, C David  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila

Beaulieu, Jon  
Carson, Gregory  
Cote, Patricia  
Dolan, Richard  
Flanagan, Natalie  
Gibbons, Paul

Belanger, Ronald  
Christie, Andrew, Jr  
Cox, Russell  
Dowling, Patricia  
Flanders, David  
Grant, Kenneth

Bishop, Franklin  
Clark, Vivian  
Dalrymple, Janeen  
Dunham, Vivian  
Flanders, John, Sr  
Griffin, Mary



Hamel, Albert  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Varrell, Thomas  
Weyler, Kenneth

Henderson, Warren  
Kobel, Rudolph  
Mikowski, Walter  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard  
Stickney, Nancy  
Verani, Giovanni  
Whittier, John

Hutchinson, Karen  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Putnam, Ed, II  
Reardon, Neil  
Stone, Joseph  
Weare, Everett  
Zolla, William

Katsakiores, George  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Rubin, George  
Tufts, J Arthur  
Welch, David

### STRAFFORD

Cossette, Larry  
Woods, Phyllis

McKinley, Robert

Musler, George

Tsiros, William

### SULLIVAN

Kibbey, David

Young, David

### NAYS 197

### BELKNAP

Millham, Alida

Pilliod, James

Salatiello, Thomas

### CARROLL

Philbrick, Donald

### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Richardson, Barbara  
Zerba, Roger

### COOS

Davis, Perley  
Mears, Edgar

Glines, Sara  
Rodrigue, Robert

Hawkinson, Marie

Landers, Dana

### GRAFTON

Almy, Susan  
Ham, Bonnie  
Solow, Martha

Copenhaver, Marion  
Johnson, Gary  
Ward, Brien

Densmore, Jessica  
Nordgren, Sharon

Guest, Robert  
Phinney, William

### HILLSBOROUGH

Ahern, Richard  
Bruno, Pierre  
Clemons, Jane  
Daigle, Robert  
Dyer, Merton  
Gagnon, Paul  
Gorman, Mary  
Herman, Richard  
Konys, Christine  
Leonard, Peter  
McCarthy, Winston  
Melcher, Harold  
Murphy, Robert  
Reidy, Frank  
White, John

Arnold, Thomas, Jr  
Buckley, Raymond  
Cote, Peter  
Dawe, Eileen  
Ford, Nancy  
Garrish, Linda  
Haettenschwiller, Alphonse  
Jean, Claudette  
LaPorte, George  
Lynde, Harold  
McColgan, Philip, Jr  
Mendenhall, Leslie  
O'Connell, Timothy  
Sarette, John  
Williams, Carol

Arthur, Rose  
Burkush, James  
Craig, James  
Durham, Susan  
Foster, Linda  
Ginsburg, Ruth  
Haley, Robert  
Johnson, Lionel  
Lasky, Bette  
Martin, Mary  
McDonald, James, Sr  
Messier, Irene  
Ouellette, Mary  
Simon, Anthony

Bergeron, Lucien  
Carlson, Donald  
Curran, James  
Dwyer, Paul, Sr  
Franks, Suzan  
Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
McCarthy, William  
McDonough-Wallace, Alice  
Moriarty, Mary  
Perkins, Paul  
Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Larrabee, David, Sr	Lavoie, Gerard	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Cooney, Richard	Dearborn, Bruce	Downing, Michael	Gleason, John
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Langley, Jane	Langone, John	Lovejoy, Marian	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Stritch, C Donald	Vaughn, Charles	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	McIntyre, Sara
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

and reconsideration failed.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 18, 1999 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 79**, relative to reports to the bank commissioner and to safe deposit box openings.

**HB 80**, making technical corrections in the banking laws.

**HB 210**, reinstating the corporate charter of C. A. B. Real Estate, Inc.

**HB 214**, changing the membership of and extending the reporting date for the committee to study women's health care.

**HB 218-L**, reinstating the corporate charter of Approved Industries, Inc.

**HB 373**, making technical corrections to the securities laws.

**HB 203**, making impaired boating laws consistent with driving while intoxicated laws.

**HB 215**, placing restrictions on name changes for certain felons.

**HB 236-FN-L**, relative to felonious disarming of a law enforcement officer.

**HB 272-FN**, relative to the use of laser pointing devices.

**HB 302**, relative to paint ball guns.

**HB 447**, repealing the laws prohibiting certain promotional games.

**HB 358**, relative to the term of office for members of the state board of education.

**HB 213**, relative to voting by prisoners.

**HB 306**, relative to discoverability of environmental audit reports.

**HB 268-L**, relative to the adoption and rescission of the official ballot form of meeting.

**HB 365**, establishing a committee to study the current practice of posting roads and its effect on the economy.

**HCR 4**, urging the U.S. Secretary of Transportation to include U.S. Route 2 as a border corridor highway.

**HB 204-FN**, relative to driving after license revocation or suspension.

**HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:40 p.m.

### RECESS

**(Rep. Bradley in the Chair)**

### RESOLUTION

Rep. Leighton Pratt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 732, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HOUSE BILL

#### First, second reading and referral

**HB 732**, relative to nonpayment of member dues and fees and access to financial records of condominium associations. (Lozeau, Hills. 30: Commerce)

### SENATE MESSAGE

### CONCURRENCE

**HB 284-L**, relative to recount procedures in school districts.

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 284.

Rep. Ronald Nowe, Sen. Disnard for  
the Committee

### RECESS

**(Speaker Sytek in the Chair)**

### COMMITTEE ASSIGNMENT

Rep. Fields on Resources, Recreation and Development.

### RECESS

**(Rep. Chandler in the Chair)**

**RESOLUTION**

Rep. Herman offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 733, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL**

**First, second reading and referral**

**HB 733**, relative to a state master plan for the deployment of personal wireless service facilities. (Belvin, Hills 14; Bradley, Carr 8; N. Kaen, Straf 7: Science, Technology and Energy)

**RECESS**

**(Rep. Fuller Clark in the Chair)**

**RESOLUTION**

Rep. Mears offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 734, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL**

**First, second reading and referral**

**HB 734-FN-L**, relative to establishing a voluntary school contribution program in support of local school districts. (Burling, Sull 1; Chandler, Carr 1; Nordgren, Graf 10; Whalley, Merr 5; Wendelboe, Belk 2; Konys, Hills 33; Clegg, Hills 23: Municipal and County Government)

**RECESS**

**(Speaker Sytek in the Chair)**

**RECONSIDERATION**

Having voted with the prevailing side, Rep. LaPorte moved that the House reconsider its action whereby it passed, **HB 94**, relative to enforcement of the child passenger restraint law.

Rep. Packard spoke in favor.

Rep. Pilliod spoke against.

Rep. Letourneau spoke in favor and yielded to questions.

On a division vote, 190 members having voted in the affirmative and 147 in the negative, the motion to reconsider prevailed.

Rep. Packard moved Re-commit to Committee.

Adopted.

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 9

Thursday, March 18, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Bradley J. Bergfalk, Pastor of the Concord Covenant Church.

Holy God, if given the choice, help us to choose to make all that we do, whether it involves the passing of a monumental bill, or the small courtesies we offer another in debate; reflect our larger intention to fulfill our religious calling so that the world might be saved. Amen.

Rep. Hall led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Courchesne, Fenton, Eugene Gagnon, Golden, Goulet, Cecelia Kane, McRae, Searles, Shultis and Williams, the day, illness.

Reps. Cobb, Dalianis, Ginsburg, Ham, Hoadley, Lavoie, Lynch, O'Keefe, MacNeil, Ruffner, Solow and Weatherspoon, the day, important business.

Rep. Asplund, the day, death in the family.

### GUEST ON THE ROSTRUM

New Jersey State Senator Richard J. Codey, Senate Minority Leader.

### INTRODUCTION OF GUESTS

Former NH Reps. Olive Morrill and Doris MacIntyre, guests of Rep. Flora. Tom Veinote, guest of the Pembroke delegation. Dr. William Sirotty, guest of Rep. Konys. Mrs. Richard Brewster, wife of Rep. Brewster. Ellen and Lillian Kennedy, guests of Rep. Fraser. Lia Rappaport and Cheryl Miller guests of Rep. Gile. Kelley Bingham, Kelsey Burke, Erik Caswell, Abby and Mary Carr, Kathy Cooper, Angela and Ben Gong, Allissa Howard, Veronica Jackson, Brianna Rogers, Hanna Sloat and Alan Nasberg, guests of the Durham, Lee and Madbury delegations.

### COMMUNICATION

March 16, 1999

Karen Wadsworth, Clerk of the House

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Carroll 2, Judith Sullivan, r, North Conway (29 Blueberry Lane) 03860

Hillsborough 23, Stanley N. Searles, Sr., r, Hudson (129 Dracut Road) 03103

William M. Gardner, Secretary of State

### COMMITTEE ASSIGNMENT

Rep. P. Judith Sullivan on Science, Technology and Energy.

### SENATE MESSAGE

### CONCURRENCE

**HB 54**, allowing simultaneous service of a demand for rent and a notice to quit.

### VACATE

Rep. O'Hearn moved that the House vacate the reference of **HB 683-FN**, requiring teachers and school administrators to report incidents of disruptive behavior by students, to the Committee on Education.

Adopted and referred to Criminal Justice and Public Safety.

## COMMITTEE REPORTS CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 260-FN-A**, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor, removed by Rep. Jacobson.

**HB 206**, relative to restrooms in restaurants, removed by Rep. Emerton.

**CACR 1**, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute, removed by Rep. Marple.

**HB 278**, relative to scheduling of district court sessions, removed by Rep. Soltani.

**HB 655-FN-A**, making an appropriation from the highway fund to pay the interest and principal on bonds issued for the Cheshire Bridge, removed by Rep. Young.

**HB 629**, relative to establishing weekly "no hunting" days, removed by Rep. Riley.

Consent Calendar adopted.

## RECONSIDERATION

Having voted on the prevailing side, Rep. Chandler moved that the House reconsider its action whereby it adopted the day's Consent Calendar.

Reconsideration prevailed.

## COMMITTEE REPORTS CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 501-FN-A**, relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton, and making an appropriation therefor, removed by Rep. Kennedy.

Consent Calendar adopted.

**HB 324**, repealing certain grounds for granting a divorce for cause. OUGHT TO PASS

Rep. Julie M. Brown for Children and Family Law: This bill repeals certain grounds for divorce. The four grounds are already covered in RSA 458:7 IX. Vote 13-3.

**HB 405-FN**, relative to the definition of "placement cost" with regard to services for children, youth, and families provided by the department of health and human services. RE-REFER TO COMMITTEE

Rep. Karen K. Hutchinson for Children and Family Law: The committee believes that the additional time provided in the re-refer process would allow the committee to investigate the mechanism and adequacy of funding with regards to the existing programs before acting on this bill. Vote 19-0.

**HB 420**, relative to orders for spousal support in domestic relations cases. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Stuart Gile for Children and Family Law: This bill amends current domestic relations law by clarifying that if either spouse is living apart from the other without justifiable cause or deserts the other, the court may issue orders for relief to either spouse, and allows for an attachment of either spouse's property to enforce a court order for spousal support. Vote 17-0.

## Amendment (0268h)

Amend RSA 458:31 as inserted by section 1 of the bill by replacing it with the following:

458:31 Orders for Support of Spouse. [~~Whenever a husband fails, without justifiable cause, to provide suitable support for his wife, or deserts her, or if the wife for justifiable cause is actually living apart from her husband, or if the husband is deserted by the wife, or is actually living apart from his wife for justifiable cause,] *If either spouse is living apart from the other without justifiable cause or willingly absents himself or herself from the other*, the superior court, upon his or her petition, or if insane by his or her guardian or next friend, may issue orders which may at the discretion of the court be ex parte and which may grant such relief as provided for in RSA 458:16. The domicile requirements of RSA 458:4, 5, and 6 shall not apply to this section; and the court may grant relief hereunder to a nonresident plaintiff if the defendant is a resident of this state.~~

## AMENDED ANALYSIS

This bill amends current domestic relations law by clarifying that if either spouse is living apart from the other without justifiable cause or deserts the other, the court may issue orders for relief to either spouse, and allows for an attachment of either spouse's property to enforce a court order for spousal support.

**HB 622-FN**, relative to a school district's duty to provide education. **INEXPEDIENT TO LEGISLATE**  
Rep. Laura C. Pantelakos for Children and Family Law: The committee felt this bill might prevent a number of children from completing their education. The Education Committee studied this issue extensively last session and arrived at a similar conclusion. Vote 16-0.

**HB 357**, establishing a committee to study and investigate issues related to investigations, trials, convictions, and sentencing of sex offenders. **OUGHT TO PASS**

Rep. William J. McCarthy for Criminal Justice and Public Safety: This bill is the result of earlier concerns expressed in the House and is the product of a committee set up to investigate what is perceived by many to be unfair and unequal treatment of sex offenders and their alleged victims. The subcommittee isolated seven areas: videotaping, access of records, requirement of admission of guilt, sentencing, lack of corroboration and parole protocols as vital areas for further more comprehensive study. Vote 20-0.

**HB 513**, relative to approved permissible fireworks. **OUGHT TO PASS**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill authorizes the sale of certain permissible fireworks for public use in those towns that do not prohibit such backyard activity. These items have been tested and approved by House and Senate. This is another year that this committee has failed to submit this list to the administrative rules committee in a timely fashion. This list will make available these additional items in time for our summer season. New Hampshire has noticed a decline in fireworks injuries as a result of the intensive inspection of these fireworks. By allowing "safe and sane" fireworks to be available to our citizens, the illegal dangerous items that injure and maim (black market items) have largely disappeared from our state resulting in no serious injuries during the last season. Vote 19-0.

**HB 250**, relative to authorized regional enrollment area schools **OUGHT TO PASS WITH AMENDMENT**

Rep. David E. Larrabee for Education: This bill corrects a problem not addressed in last year's legislation and changes the time period from 120 days to 180 days for an AREA school to submit a report to withdraw to the State Board of Education. The amendment changes the period to a minimum of 10 years during which an AREA plan shall remain valid. The legislation also addresses the obligations of bonds issued in the school district. Vote 18-0.

**Amendment (0356h)**

Amend RSA 195-A:3, XI as inserted by section 1 of the bill by replacing it with the following:

XI. An area plan adopted by the voters of the sending and receiving district shall be valid for a ~~[period]~~ *minimum* of 10 years ~~[from the date of its adoption, amendment, or the withdrawal of a district]~~ *unless otherwise provided by mutual agreement of the school districts*. The area plan may be renegotiated at the request of a sending or receiving district or extended for additional 10-year periods upon a mutual vote of each sending and receiving school district legislative body 2 years prior to the expiration of the area plan.

**HB 304**, relative to the confidentiality of criminal history records checks. **RE-REFER TO COMMITTEE**

Rep. Phil Weber for Education: The members agree that discussion of a range of offenses is needed to do a criminal history check in the schools. The committee will, in addition, be working with the Dept. of Safety and the Criminal Justice Committee to pass a bill, which will fulfill the objectives of the intent, which is to insure the safety of the pupils in our schools. Vote 18-0.

**HB 78**, relative to candidates for office who are also moderators or town clerks. **OUGHT TO PASS WITH AMENDMENT**

Rep. Natalie S. Flanagan for Election Law: The Committee felt that there should be an even playing field. Having the moderator running for another elected position and working at the polls would give him or her an unfair advantage. Vote 12-0.

**Amendment (0230h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the counting of votes when the moderator is disqualified.

Amend the bill by replacing section 1 with the following:

1 Election Procedure; Counting of Votes; Duties of Moderator; Disqualification. Amend RSA 659:60 to read as follows:

659:60 Duties of Moderator. The moderator, *or the moderator pro tempore if the moderator is disqualified under RSA 658:24*, shall oversee the counting of votes by other election officers, including the selectmen and the town clerk, and may discharge any other duties relating to the counting of votes.

**AMENDED ANALYSIS**

This bill provides that the moderator pro tempore shall perform the duties of the moderator relative to counting of votes if the moderator is disqualified because his or her name appears on a ballot for an elective position other than a position of an election official

**HB 292**, relative to ballot procedures for constitutional amendments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet S. Arndt for Election Law: The Committee unanimously agreed that all constitutional questions, including the text of the article of the constitution as it is proposed to be amended and the printed explanation to the questions, must be approved by the policy committees in the House and Senate, which passed them. Vote 12-0.

**Amendment (0171h)**

Amend RSA 663:3-a as inserted by section 2 of the bill by replacing it with the following:

663:3-a Voter's Guides. If the general court proposes the constitutional amendment, the joint committee on legislative facilities may authorize the printing of a voter's guide. Distribution of the voter's guide shall not take place until its text has been reviewed and approved by the house and senate policy committees which considered the proposed constitutional amendment.

**AMENDED ANALYSIS**

This bill requires that the text of the proposed constitutional amendment be included in the question to the voters of whether to approve the proposed constitutional amendment. This bill also authorizes the joint committee on legislative facilities to print a voter's guide if the general court proposes a constitutional amendment.

**HB 52**, exempting certain currants and gooseberries resistant to the white pine blister rust organism from restrictions on planting in control areas. **RE-REFER TO COMMITTEE**

Rep. Kenneth R. Marshall for Environment and Agriculture: The Committee would like to have time to work with the Division of Forests and Lands to see if it is possible to solve the sponsors' problem without passing legislation. Vote 19-0.

**HB 288**, relative to the committee to study land management, protection of farmland, rural character, environmental quality and sprawl. **OUGHT TO PASS**

Rep. John G. Tuthill for Environment and Agriculture: This bill increases the membership of the Land Use Management and Farmland Preservation Study Committee, authorizes the Committee to monitor progress of state action to avoid "sprawl," and extends the reporting date to November 1, 2000. Vote 17-1.

**HB 291**, establishing a study committee for seed sterilization technology or "terminator" technology. **OUGHT TO PASS**

Rep. Derek Owen for Environment and Agriculture: As the title of the act suggests, sterilization of "terminator" technology for seeds may seriously alter or affect our food production system. Biodiversity has gone on for centuries and biotechnology tampers with the propagation of life itself. Under the auspices of increased food production for the third world, this requires gathering more information to forgo any unfair advantages being taken by privileged individuals/corporations. One recent example is certain Canadian farmers being sued for violating contracts in handling their seed. Another area is the need for information regarding transfer of genes within species. Vote 18-1.



**HB 310**, repealing the authority of the department of agriculture, markets, and food to conduct meat inspections and poultry products inspections. RE-REFER TO COMMITTEE

Rep. George T. Musler for Environment and Agriculture: In the view of the Committee, this bill was deemed insufficient to do the job intended. Further examination is needed and therefore the bill is re-referred to committee. Vote 18-0.

**HB 85**, relative to statements of financial interests for certain board and commission members. INEXPEDIENT TO LEGISLATE

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill addressed the yearly submittal of "financial disclosure statements" to the secretary of state's office. It calls for the removal of all members of executive branch boards, councils and commissions should they not turn in their financial statements yearly. The committee applauds the over 700 community spirited citizens serving on these committees and felt removal was too extreme for a procedure deficiency. Vote 13-3.

**HB 275-FN**, providing that the deputy adjutant general shall serve as the director of emergency management and funds for emergency management shall be appropriated to the adjutant general. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will place the deputy adjutant general in charge of the emergency management functions and transfer their funds to the adjutant general. The committee felt that the present office of emergency management is functioning very well as a coordinator of planning, mitigating and coordinating emergency situations. The office of emergency management is a coordinator while the adjutant general's office would be a provider of assistance in time of a declared emergency. The committee feels that functions of coordination and providing assistance should remain separate. The office of emergency management and the adjutant general's office are both under the direct control of the governor but the committee received no input from the office of the governor as to the advantage of this change. The office of emergency management, by its organizational structure, is better suited to interact when emergencies are declared by the governor and by the president. Vote 16-0.

**HB 352-FN**, relative to including persons practicing as sports trainers in the regulation of athletic trainers. INEXPEDIENT TO LEGISLATE

Rep. Dana L. Landers for Executive Departments and Administration: The committee felt that because athletic trainers are such a different class altogether from sports trainers, that by allowing sports trainers to be categorized within the same licensure as athletic trainers could lead to serious consequences because of the vast differences in educational and experience requirements. Vote 16-0.

**HB 307**, establishing a committee to study the shared risk when patients decide to remain in a facility over the recommendations of the department of health and human services. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: This bill establishes a committee to study a newly emerging issue of negotiated risk agreements between providers and elderly residents who may need a higher level of support than can be routinely provided. The committee made several editorial changes, including using the preferred term "negotiated risk agreements". Vote 14-0.

#### **Amendment (0183h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the negotiated risk agreements when patients desire to remain in a facility over the recommendations of the department of health and human services.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the negotiated risk agreements when patients desire to remain in a facility over the recommendations of the department of health and human services.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the negotiated risk agreements of the patient and the facility when a patient desires to remain in a facility rather than be transferred to a facility as recommended or required by the department of health and human services.

## AMENDED ANALYSIS

This bill establishes a committee to study the negotiated risk agreements when patients desire to remain in a facility over the recommendations of the department of health and human services.

**HB 415-FN**, establishing a registry for brain and spinal cord injuries. **INEXPEDIENT TO LEGISLATE**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: The committee acknowledges that compelling testimony was presented by several constituencies supporting more and more appropriate services for this particular population. The total needs are unknown, but are no doubt substantial. Some of the needs are already being met by existing programs, but a registry alone would not seem to be an adequate answer at this time. Vote 14-0.

**HB 452**, relative to patients' rights. **INEXPEDIENT TO LEGISLATE**

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: The subcommittee studying HB 452, as well as the full committee, felt that the issue of shared risk was too complex to be solved by this amendment to RSA 151:21,V. The prime sponsor agreed this whole issue should be further studied, as proposed in HB 307. Vote 14-0.

**CACR 2**, relating to supreme court rules. Providing that supreme court rules shall be subject to review and approval by a special legislative committee. **RE-REFER TO COMMITTEE**

Rep. Dennis J. Withee for Judiciary: Because this bill creates a shift in the balance of power between the legislative and judicial branches, the committee concluded that it deserves careful and thorough consideration. It is the committee's intent to study both CACR 1 and CACR 2 in the re-referral as both bills cover related subject matter. Specifically, CACR 2 requires that rules be reviewed and approved by a special legislative committee. Vote 14-1.

**HB 53**, establishing a process for reviewing judges. **RE-REFER TO COMMITTEE**

Rep. Robert H. Rowe for Judiciary: The committee has several bills before it that relate to major matters of judicial reform. Because of complexity of the bills and subject matter, including constitutional issues, the committee felt that referral justified a comprehensive study recommendation. Vote 14-1.

**HB 259-FN**, granting a right to trial by jury in any controversy between a person or persons and a state board, commission, or agency when the amount in controversy is at least \$5,000. **INEXPEDIENT TO LEGISLATE**

Rep. Tony F. Soltani for Judiciary: The committee is of the strong opinion that administrative hearings and proceedings must provide a fair forum. The bill highlights an area which needs careful and detailed attention. However, there may be too many unintended adverse consequences. The actual and perceived fairness of the administrative proceedings should be reviewed on an agency-by-agency basis. The proper potential remedy may include upgraded rules or perhaps a right to a jury trial. Vote 13-1.

**HB 270**, relative to persons not competent to stand trial. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tony F. Soltani for Judiciary: This bill allows up to sixty days (60) for the department of corrections to examine and make a determination as to whether a defendant is competent to stand trial. If the department determines the person to be incompetent, the Division of Mental Health Services will have thirty (30) days to ascertain whether the person meets the criteria for an involuntary admission to the New Hampshire Hospital. Previously, the Department of Corrections had ninety (90) days, but the Division of Mental Health was not allocated any time, under the law, to conduct its examination. This bill is intended to remedy that dilemma. Vote 16-0.

### Amendment (0107h)

Amend the bill by replacing all after the enacting clause with the following:

1 Persons not Competent to Stand Trial. Amend RSA 135:17-a, I to read as follows:

I. After a determination by the superior or district court that a person is not competent to stand trial, the court may, following a hearing and a determination that such person is dangerous to self or others, order the person to remain in custody for a reasonable period, not to exceed ~~[90]~~ 60 days, to be evaluated for appropriateness for involuntary admission into the state mental health services

system, including the secure psychiatric unit, and to commence civil proceedings, if appropriate. The court may order such person to submit to examinations by a psychiatrist, designated by the state, for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state mental health services system, including the secure psychiatric unit.

2 Persons Not Competent to Remain in Custody. Amend RSA 135:17-a, II(c) to read as follows:

(c) Probable cause exists that the person meets the criteria for commitment under RSA 171-B:2; the court may order the person to remain in custody for a reasonable period, not to exceed [90] 60 days, to be evaluated for the appropriateness for involuntary admission into the state developmental services delivery system or the secure psychiatric unit, and to commence civil proceedings, if appropriate. The court may order such person to submit to examinations by a physician, psychiatrist or psychologist, designated by the state, who shall have experience and training in mental retardation, for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state developmental services delivery system or the secure psychiatric unit.

3 New Paragraph; Person to Remain in Custody. Amend RSA 135:17-a by inserting after paragraph II the following new paragraph:

III. Upon the filing of the petition in probate court, the person shall remain in custody until the issuance of the order of the court pursuant to RSA 135-C:45 or RSA 171-B:12; provided, that the court shall act upon the petition within 30 days of its filing.

4 Effective Date. This act shall take effect January 1, 2000.

#### AMENDED ANALYSIS

This bill declares that persons found not competent to stand trial can be held in custody for the completion of a civil commitment process, if appropriate.

The bill also reduces the number of days a person may be held in custody for evaluation for possible involuntary commitment.

**HB 515**, extending the indemnification of persons providing clinical services to the department of health and human services. **OUGHT TO PASS**

Rep. Sandra B. Keans for Judiciary: The committee believes this system of indemnification of medical personnel at the NH State Hospital is very advantageous to the state. Since the closing of the old state facility, New Hampshire leads the nation in treatment of the mentally ill. This is in part due to the contract with the Dartmouth Medical School and its provision of state-of-the-art care. The state is able to save approximately \$800,000/year in its contract with the medical center because while on state duty personnel are indemnified just like other state employees. Vote 13-0.

**HB 612-FN**, relative to compensation paid to jurors. **OUGHT TO PASS**

Rep. Sandra B. Keans for Judiciary: This bill would raise jurors' compensation from \$10 a half day to \$20. Prior to 1991 (and the budget crunch), it was \$15. The juror pool has been expanded with recent changes in the law. More and more self-employed, parents needing day care, and individuals working in small companies are being called to serve. This small increase is still a token for their monetary loss. Vote 13-2.

Referred to Finance.

**HB 226-L**, establishing municipality bond payment schedules and percentages. **RE-REFER TO COMMITTEE**

Rep. Anthony F. Simon for Municipal and County Government: This bill concerns tax increment financing (TIF) districts and would allow more flexibility in establishing bond repayment schedules. TIFs have been very effective in some New Hampshire communities and the concept embodied in this bill could increase their effectiveness. However, Claremont II creates serious questions about TIFs and this bill should not be acted upon until the education funding question is resolved. Vote 15-0.

**HB 261-L**, relative to the official ballot option. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsey L. Patten for Municipal and County Government: This bill contains technical corrections affecting municipalities using the official ballot (SB 2) for voting on all matters before the Town. The amendment clarifies that "one-time expenditures" are not to be included in the default budget. The bill will make the SB-2 voting process work more efficiently. Vote 16-0.

**Amendment (0265h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Town Meeting; Use of the First Session. Amend RSA 40:13, IV to read as follows:

IV. The first session of the meeting ~~[shall consist of explanation, discussion, and debate of each warrant article, and shall be]~~, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10~~;~~ ~~[provided, however, that RSA 40:10, II shall not apply, and a vote to restrict reconsideration pursuant to RSA 40:10, I shall be deemed to prohibit any further action on the restricted article until the second session]~~, **shall consist of explanation, discussion, and debate of each warrant article. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session, and RSA 40:10, II shall not apply.** Warrant articles may be amended at the first session, subject to the following limitations:

(a) ~~[Questions, the]~~ **Warrant articles whose** wording ~~[of which]~~ is prescribed by law~~;~~ shall not be amended.

(b) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

2 Town Meeting; Second Session of Annual Meeting. Amend RSA 40:13, VI to read as follows:

VI. All warrant articles shall be placed on the official ballot for a final vote, **including warrant articles as amended by the first session.** All special warrant articles shall be accompanied on the ballot by recommendations as required by RSA 32:5, V, concerning any appropriation or appropriation as amended.

3 Definition; Operating Budget. Amend RSA 40:13, IX-XI to read as follows:

IX. "Operating budget" as used in this subdivision means "budget," as defined in RSA 32:3, III, exclusive of "special warrant articles," as defined in RSA 32:3, VI, **and exclusive of other appropriations voted separately.**

X. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, **or reduced by one-time expenditures contained in the operating budget,** or the governing body may hold a special meeting pursuant to paragraph XVI to take up the issue of a revised operating budget only; provided that RSA 31:5 and RSA 197:3 shall not apply to such a special meeting. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved. **For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body of the local political subdivision.**

XI. The amount of the previous year's operating budget, as adjusted pursuant to paragraph X, shall be disclosed to the voters at the first session. This amount shall not be amended by the legislative body. However, this amount may be adjusted by the governing body, acting on relevant new information at any time before the ballots are printed. The wording of the second session ballot question concerning the operating budget shall be as follows:

"Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles **and other appropriations voted separately,** the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$.....? Should this article be defeated, the operating budget shall be \$....., which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

4 New Subdivision; Procedural Defects in Official Ballot Voting. Amend RSA 40 by inserting after section 40:15 the following new subdivision:

Procedural Defects in Official Ballot Voting

40:16 Legalization of Meetings. When irregularities or procedural defects in the actions of a local political subdivision are discovered in a local political subdivision using the official ballot, the local political subdivision may, on the authority of the governing body, call a special meeting for the exclusive purpose of curing such defect according to RSA 31:5-b with a single session for deliberating and voting to cure such defect.

5 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill clarifies procedures of first and second town meetings.

This bill requires that if no operating budget article is adopted at the second session of an annual town meeting, the previous year's appropriations deemed to have been approved from the previous year shall be reduced or increased by debt service, contracts, and other previously incurred or mandated obligations, or reduced by one-time expenditures.

This bill also adds procedures to rectify irregularities or procedural defects in official ballot voting.

This bill was requested by the department of revenue administration.

**HB 347**, relative to municipal economic development and revitalization district tax increments. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth S. Hager for Municipal and County Government: The Committee will be considering any necessary changes to tax increment financing in its study of HB 226. It will be able to consider this bill's contents at the same time. Vote 15-0.

**HB 354**, broadening the range of acceptable media for storage of public records. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth S. Hager for Municipal and County Government: Testimony from the New Hampshire Division of Records Management and Archives persuaded the Committee that this bill was not needed. The town officials who believed they needed a change in the law are also satisfied and advised the Committee that they now recognize that this legislation is unnecessary. Vote 14-0.

**HB 490**, enabling cities to permit the mayor to vote at city council meetings. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth S. Hager for Municipal and County Government: This is a technical amendment to the RSAs which govern cities enabling them to have freedom of choice in their own charters. Vote 15-0.

## Amendment (0290h)

Amend RSA 49-C:12, II as inserted by section I of the bill by replacing it with the following:

*II. Notwithstanding paragraph I, a city may, pursuant to the procedures for adoption of charter amendments and submission to the voters under RSA 49-B:5 and 49-B:6, vote to allow the mayor to vote and be counted for purposes of a quorum at meetings of the city council, despite such mayor having been directly elected.*

**HB 531**, allowing a governing body to grant a veteran's exemption in certain circumstances. INEXPEDIENT TO LEGISLATE

Rep. Thomas E.P. Rice for Municipal and County Government: The Committee felt that the unintended consequences of this bill would probably overshadow any benefit and that the communities already have the power to grant a credit for just and compassionate cause. Vote 15-0.

**HB 283-A**, making a capital appropriation to the department of administrative services for the funding, siting, and design of the new Henniker-Hillsborough district courthouse. INEXPEDIENT TO LEGISLATE

Rep. William E. Leber for Public Works and Highways: This bill makes a capital appropriation of \$153,000 to fund siting and design of a new Henniker-Hillsborough district courthouse to be located in Henniker. It was apparent from the testimony that the court facilities being used in both towns are less than desirable. However, this district courthouse is number 10 on the Court Facilities Needs Priority List so there is plenty of time for this design and siting effort in future years. Testimony indicated there is no consensus by the towns served by the two courts as to the best location for the new joint district court. The committee suggests the towns enter informal discussions to agree on location or sites. Vote 14-1.

**HB 305-A**, making a capital appropriation to the department of administrative services for the construction of the new Jaffrey-Peterborough district courthouse. RE-REFER TO COMMITTEE

Rep. Edwin O. Smith for Public Works and Highways: The committee feels very strongly that this facility needs to be constructed. The land has been donated and has restrictions on the timeliness of its use. The committee did not want to report this as Inexpedient to Legislate, and felt that as the

number two court on the list of those recommended by the Court Accreditation Committee, we should leave this issue open. It is possible that circumstances can change, so we wanted this bill back to be considered in the current biennium, and not have to be delayed into the next biennium. Vote 16-0.

**HB 355**, relative to the dredging of harbors and channels. **OUGHT TO PASS**

Rep. William E. Leber Public Works and Highways: This bill clarifies that the port authority may perform dredging of channels and harbors. Under dredge management in tidal waters, the port authority has responsibility to initiate and implement dredging projects. This bill will include dredging performed by the authority to permit use of in-house resources. Vote 11-3.

**HB 363-FN**, increasing the bonding limit of the school building authority. **OUGHT TO PASS**

Rep. Charles W. Morse for Public Works and Highways: This bill increases the bonding limit of the school building authority from \$75,000,000 to \$95,000,000. After hearing testimony from the State Treasurer on reductions in bonding limits in other departments, the committee voted to pass. Vote 14-0.

Referred to Finance.

**HB 479-A**, making a capital appropriation for siting and design of a new Merrimack district courthouse. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: The committee heard testimony on several bills requesting capital appropriations for siting and design, and/or construction for district courthouses. The local officials made strong cases for support of improved conditions, particularly relative to handicap access and security for the safety of public and court officials. Obviously, the committee cannot approve all requests. In fact, the limits on capital appropriation may prevent any new district courthouse construction. The Merrimack district is number 16 on the court facilities needs priority list. In the interim, the Administrative Office of Courts (AOC) should consider some minor modifications to improve access and security with its operating funds or escrow funds. Vote 16-0.

**HB 548-A**, making a capital appropriation for the construction of the Plaistow district courthouse. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: The committee report for HB 548-A, also applies to this bill, with the exception that the Plaistow district is number 14 on the court facilities needs list. The committee heard testimony on several bills requesting capital appropriations for siting and design, and/or construction for district courthouses. The local officials made strong cases for support of improved conditions, particularly relative to handicap access and security for the safety of public and court officials. Obviously, the committee cannot approve all requests. In fact, the limits on capital appropriation may prevent any new district courthouse construction. In the interim, the Administrative Office of Courts (AOC) should consider some minor modifications to improve access and security with its operating funds or escrow funds. In addition, based on the comments relative to previous court requests for Henniker-Hillsborough and Merrimack, the consensus of the committee is that a greater effort should be made by the court accreditation committee to develop a more creditable priority list. Vote 16-0.

**HB 431**, establishing a committee to study methods and processes necessary to retain the traditional uses of White Mountain National Forest land. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: This bill establishes a study committee which will report on the ways in which traditional uses of White Mountain National Forest land may be maintained and promoted. The sponsor's concerns centered on the possible federal designation change from National Forest to National Park and the Resources Committee believes that these concerns will be addressed as one of the duties of the study committee. Vote 13-1.

**Amendment (0366h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study methods and processes necessary to retain the traditional uses of White Mountain National Forest land, the impact of any change in designation, and relative to promoting the continual multiple use management of such land.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the advantages of and methods and processes necessary for the retention and enhancement of traditional uses of White Mountain National Forest land.

2 Membership and Mileage.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house from among the membership of the resources, recreation and development, the municipal and county government, the wildlife and marine resources committee, and the commerce committees. At least 2 of the 4 members shall represent communities that include land within the White Mountain National Forest.

(b) Four members of the senate, appointed by the president of the senate from among the membership of the environment, the internal affairs, the wildlife and recreation, and the energy and economic development committees. At least 2 of the 4 members shall represent communities that include land within the White Mountain National Forest.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall explore any and all methods necessary to retain multiple use management of White Mountain National Forest land, and the impact of any considered change in designation of the White Mountain National Forest.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 31, 2000.

6 New Section; Promotion of Continual Multiple Use Management of White Mountain National Forest Land. Amend RSA 12-A by inserting after section 2-h the following new section:

12-A:2-i Multiple Use Management of White Mountain National Forest Land. The commissioner of the department of resources and economic development, or designee, shall have the authority and responsibility to consult and work with the United States Department of Agriculture Forest Service in order to promote and maintain continued multiple use management of White Mountain National Forest land.

7 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the advantages of and methods and processes necessary for the retention of traditional uses of White Mountain National Forest land. The committee will also explore the impact of any considered change in designation of the White Mountain National forest.

This bill also requires the commissioner of the department of resources and economic development to consult and work with the United States Department of Agriculture Forest Service to promote continual multiple use management of White Mountain National Forest land.

**HB 543**, relative to fill and dredge permits for breakwaters. RE-REFER TO COMMITTEE  
Rep. H. Charles Royce for Resources, Recreation and Development: This bill restricts breakwaters to lakes less than 10,000 acres. The Committee felt the permitting regulations being developed by DES need further review by the committee. Vote 15-0.

**HB 594**, prohibiting the introduction of zebra mussels and other exotic aquatic animals in New Hampshire. INEXPEDIENT TO LEGISLATE  
Rep. H. Charles Royce for Resources, Recreation and Development: This bill attempted to put DES plans in place to help prevent exotic species from infecting our lakes. At the 11<sup>th</sup> hour it was discovered that Fish and Game have regulations in place and this bill is not needed. DES and Fish and Game are now coordinating their exotic weeds and exotic species programs. Vote 15-0.

**HB 697-FN-L**, relative to the collection and use of boat fees. **INEXPEDIENT TO LEGISLATE**  
Rep. Janet W. Fortnam for Resources, Recreation and Development: This bill requires that boat fees be sent to the treasurer of the town or city where the owner resides for the general use of the town or city. This would entail mailing fees between towns and does not include large sums of money; and the sponsor agreed that this bill be Inexpedient to Legislate. Vote 16-0.

**HR 9**, encouraging the use of funds from timber sales of White Mountain National Forest timber to be exclusively for maintenance, upgrading, and funding of the White Mountain National Forest and its facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: This resolution directs Congressional attention to the economic relationship between the federal government and New Hampshire communities in the WMNF. It encourages full funding for the Land and Management Plan for the national forest; and full funding for payments in lieu of taxes to New Hampshire communities having land in WMNF. Further, it asks USDA, National Forest Service to report annually on their contributions to local towns and the impacts on area businesses. Vote 14-0.

### **Amendment (0345h)**

Amend the title of the resolution by replacing it with the following:

**A RESOLUTION** urging the federal government to make full funding of the Land and Resource Management Plan its highest priority regarding its ownership and management of the White Mountain National Forest.

Amend the resolution by replacing all after the title with the following:

Whereas, the White Mountain National Forest consists of 720,000 acres in 35 different communities and 14 unincorporated places in New Hampshire; and

Whereas, the presence of national forest land provides both economic benefits and burdens to these communities; and

Whereas, adequate funding by Congress of the Land and Resource Management Plan ensures that the full economic, social and conservation benefits of proper management are received by these communities; and

Whereas, full payment in lieu of taxes by the federal government ensures that these communities receive revenues comparable to revenues these lands would generate in property taxes were they in private ownership; and

Whereas, full funding of the forest plan and full payment in lieu of taxes constitute a fiscal relationship between the federal government and the White Mountain National Forest communities that is essential to maintaining public trust and support for continued management of these lands by the federal government; now, therefore, be it

Resolved by the House of Representatives:

That an annual report be issued by the United States Department of Agriculture Forest Service for public view and distribution, containing National Forest contributions to local towns in lieu of property taxes, statistics on revenues from timber sales, information regarding road construction, and approximate numbers of those who use the White Mountain National Forest for recreation and the economic impact on area business; and

That the federal government should make full funding of the Land and Resource Management Plan its highest priority in relation to its ownership and management of the White Mountain National Forest; and

That the federal government fully fund its statutory obligation to make payment in lieu of taxes to New Hampshire communities which contain land within the White Mountain National Forest;

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

### **AMENDED ANALYSIS**

This house resolution urges the federal government to make full funding of the Land and Resource Management Plan its highest priority regarding its ownership and management of the White Mountain National Forest and to fully fund its obligation to make payment in lieu of taxes to New



Hampshire communities containing land within the White Mountain National Forest. This house resolution also urges the federal government to issue an annual report, for public view and distribution, containing information and figures regarding the use of the White Mountain National Forest for timber and recreation.

**HCR 6**, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. **OUGHT TO PASS**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: This resolution requests the President and Congress to fully fund special education programs in the state's elementary and secondary schools, which the congress has mandated. Vote 15-0.

**HB 418**, relative to accounts and reporting dates of certain funds in the fish and game department. **OUGHT TO PASS**

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill changes reporting dates and removes separate accounting procedures for various revenue accounts within the Fish and Game Department. Vote 16-0.

**HB 480**, relative to the taking of sand eels. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: The method and limit of take is determined by the Fish and Game Department based on scientific data. This bill would grant authority to the legislature to regulate issues that rightly belong to the Fish and Game Department and therefore, the committee voted unanimously to vote this bill Inexpedient To Legislate. Vote 16-0.

**HB 520**, relative to an open season for chukar partridge. **OUGHT TO PASS**

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill addresses a concern of the Fish and Game Department regarding the taking of these imported birds which escape when released for training dogs and other purposes. Having an open season on Chukar partridge would allow the taking of a bird which may not survive our severe winters but may already be adapting to our unique New Hampshire habitat. Vote 16-0.

**HB 710-FN**, relative to expanding the availability of lifetime licenses for hunting and fishing. **OUGHT TO PASS**

Rep. Richard E. Fletcher for Wildlife and Marine Resources: This bill allows lifetime licenses for hunting and fishing, or combined hunting and fishing, and allows persons under 16 years of age to purchase same. This bill also removes a requirement for continuous residency. The committee recommended by a Roll Call vote 15-0 Ought to Pass. This bill will help license sales because it separates licenses for fishing and hunting. This bill has no fiscal impact on state, county, and local government. Vote 15-0.

## REGULAR CALENDAR

**HB 67**, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Children and Family Law: This bill decreases the time allowed for a parent, subsequent to a finding of child abuse, to correct the situation leading to that finding, and provides for termination of parental rights where a parent has been convicted of certain violent criminal offenses against a child. It establishes specific requirements to be followed by the court prior to ordering termination of parental rights in certain cases where the parent or guardian of the child is incarcerated. The passage of this bill brings the state of New Hampshire into compliance with the federal Adoption and Safe Families Act. Vote 15-0.

### Amendment (0327h)

Amend the bill by replacing all after the enacting clause with the following:

I Termination of the Parent-Child Relationship. Amend RSA 170-C:5, III to read as follows:

III. The parents, subsequent to a finding of child neglect or abuse under RSA 169-C, have failed to correct the conditions leading to such a finding within [8] 12 months of the finding despite reasonable efforts under the direction of the district court to rectify the conditions.

2 New Section; Termination of Parental Rights; Termination Petition Required; Reasonable Efforts to Reunify the Family Required. Amend RSA 170-C by inserting after section 4 the following new section:

170-C:4-a Petition for Termination of Parental Rights Required; Reasonable Efforts to Reunify.

I. The state, through an authorized agency, or if required by a court of competition jurisdiction, shall initiate a petition for termination of parental rights or, if such a petition has been filed by another party, the state shall seek to be joined as a party to such petition, where any one or more of the following circumstances exist:

(a) Where a child has been in foster care, under the responsibility of the state, for 12 of the most recent 22 months.

(b) Where a court of competent jurisdiction has determined that a child has been abandoned as defined by RSA 170-C:5, I; or

(c) Where a court of competent jurisdiction has made any one or more of the following determinations:

(1) That the parent committed murder of another child of the parent pursuant to RSA 630:1-a or RSA 630:1-b.

(2) That the parent committed manslaughter of another child of the parent pursuant to RSA 630:2.

(3) That the parent committed attempt, pursuant to RSA 629:1, solicitation, pursuant to RSA 629:2, or conspiracy, pursuant to RSA 629:3, to commit any of the offenses specified in subparagraphs I (c) (1) or I (c) (2).

(4) That the parent committed a felony assault under RSA 631:1, 631:2, 632-A:2, or 632-A:3 that resulted in serious bodily injury to the child or to another child of the parent.

II. Concurrent with the initiation or joinder in a petition for termination of parental rights as defined in paragraph I of this section, the state shall seek to identify, recruit, and approve a qualified family for adoption in accordance with the provisions of RSA 170-B, and in accordance with the principle that the health and safety of the child shall be the paramount concern, unless one or more of the following circumstances exist:

(a) The child is being cared for by a relative or a relative is available and capable of caring for the child. If a relative is available and capable of caring for the child, the state may seek temporary placement of the child with such relative.

(b) A state agency has documented in the case file a compelling reason for determining that filing a petition for termination of parental rights would not be in the best interests of the child; or

(c) The state has not provided to the family of the child, consistent with RSA 170-C:5, III, such services and reasonable efforts as the state deems necessary for the safe return of the child to the child's home. In determining whether the state has made reasonable efforts to prevent placement and reunify the family, the court shall consider whether services to the family have been accessible, available, and appropriate. In evaluating the accessibility, availability, and appropriateness of services, the court shall consider the following:

(1) The dangers to the child and the family problems precipitating those dangers.

(2) Whether the agency has selected services specifically relevant to the family's problems and needs.

(3) Whether the state agency has diligently arranged those services.

(4) Whether appropriate services have been available to the family on a timely basis; and

(5) The results of the interventions involving the child, the family, and the state.

III. The state shall submit a sworn statement prior to any judicial hearing in which the court is to determine whether there have been reasonable efforts to prevent placement, reunify the family, or make and finalize a new permanent home for the child. Such statement shall be submitted to the court and to the parties at least 5 days prior to the hearing, and shall describe such reasonable efforts made by the state or the rationale for not making such efforts.

3 New Paragraph; Termination of Parental Rights; Incarceration of Parent or Guardian. Amend RSA 170-C:5 by inserting after paragraph VI the following new paragraph:

VII.(a) If the parent or guardian is, as a result of incarceration for a felony offense, unable to discharge his or her responsibilities to and for the child, the court shall review the conviction of the parent or guardian to determine whether the felony offense is of such a nature, and the period of incarceration imposed of such duration, that the child would be deprived of proper parental care

and protection and left in an unstable or impermanent environment for a longer period of time than would be prudent. The health and safety of the child shall be the paramount concern. Incarceration in and of itself shall not be grounds for termination of parental rights.

(b) The court shall consider the following factors in determining whether termination of parental rights under this paragraph is appropriate:

(1) If the child is being cared for by a relative, or if a relative is available and capable of caring for the child.

(2) If a state agency has documented in the case file a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests; and

(3) If the state has provided to the family of the child, consistent with RSA 170-C:5, III, such services and reasonable efforts as the state deems necessary for the safe return of the child to the child's home.

4 Effective Date. This act shall take effect January 1, 2000.

### AMENDED ANALYSIS

This bill decreases the time allowed for a parent, subsequent to a finding of child abuse, to correct the situation leading to that finding, requires that the state initiate a petition for termination of parental rights under certain circumstances and establishes specific requirements to be followed by the court prior to ordering termination of parental rights in cases where the parent or guardian of the child is incarcerated.

Adopted.

Report adopted and ordered to third reading.

**HB 90**, removing the prohibition on adoption and foster parenting by homosexual persons. **OUGHT TO PASS**

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill removes the discriminatory provision forbidding adoption and foster parenting by homosexuals. It will provide additional homes for foster child placement. The public hearing had over 50 citizens favoring this bill and only one (1) speaker opposed. A number of clergy and adoptive parents testified in favor of this bill. Vote 15-3. Rep. Torressen spoke against.

Reps. Arnold, Kennedy and Dowling spoke in favor.

Rep. Fuller Clark spoke in favor and yielded to questions.

Rep. Weber requested a roll call; sufficiently seconded.

The question being the adoption of the report.

Rep. McGough requested that the question be divided. The Speaker ruled that the question was divisible.

The question now being the adoption of Sections 2, 3 and 4 (relating to adoption) of the bill.

**YEAS 226 NAYS 130**

**YEAS 226**

**BELKNAP**

Czech, Stanley  
Wood, Jane

Millham, Alida

Pilliod, James

Salatiello, Thomas

**CARROLL**

Bradley, Jeb  
Sullivan, P Judith

Chandler, Gene

Dickinson, Howard

Mock, Henry

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Riley, William  
Smith, Edwin

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Roberts, William  
Zerba, Roger

Blaisdell, Michael  
Hunt, John  
McGuirk, Paul  
Pratt, John  
Robertson, Timothy

Burnham, Daniel  
Lerandeau, Alfred  
Meador, David  
Richardson, Barbara  
Russell, Ronald

**COOS**

Davis, Perley  
Landers, Dana

Glines, Sara  
Mears, Edgar

Hawkinson, Marie  
Rodrigue, Robert

Horton, Lynn  
Woodward, David

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Nordgren, Sharon

Almy, Susan  
Guest, Robert  
Picconi, Al

Copenhaver, Marion  
Johnson, Gary  
Scanlan, David

Densmore, Jessica  
Marshall, Gene

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Buckley, Raymond  
Clemons, Jane  
Daigle, Robert  
Durham, Susan  
Ford, Nancy  
Garrish, Linda  
Hall, Betty  
Johnson, Lionel  
LaRose, Richard  
Leonard, Peter  
Martin, Mary  
Melcher, Harold  
Moran, Edward  
Perkins, Paul  
Sargent, Maxwell  
Withee, Dennis

Alukonis, David  
Baroody, Benjamin  
Burkush, James  
Cote, David  
Dawe, Eileen  
Dyer, Merton  
Foster, Linda  
Goley, Jeffrey  
Hansen, Herbert  
Keye, Harvey  
Lasky, Bette  
Lozeau, DonnaLee  
McCarthy, William  
Mendenhall, Leslie  
Moriarty, Mary  
Peterson, Andrew  
Simon, Anthony

Andrews, Frederick  
Belvin, William  
Carlson, Donald  
Craig, James  
Desmarais, Vivian  
Fields, Dennis  
Franks, Suzan  
Gorman, Mary  
Herman, Richard  
Konys, Christine  
Lefebvre, Roland  
Lynde, Harold  
McCarty, Winston  
Messier, Irene  
O'Connell, Timothy  
Reidy, Frank  
Tate, Joan

Arnold, Thomas, Jr  
Bergin, Peter  
Chabot, Robert  
Curran, James  
Dokmo, Cynthia  
Flora, Kathleen  
Gagnon, Paul  
Haettenschwiller, Alphonse  
Jean, Claudette  
LaPorte, George  
Leishman, Peter  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Milligan, Robert  
O'Hearn, Jane  
Sarette, John  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Davis, Francis  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Poulin, Dave  
St Cyr, Gerard  
Whalley, Michael

Bouchard, Candace  
Feuerstein, Martin  
Gile, Mary  
Kennedy, Richard  
Nichols, Avis  
Reardon, Tara  
Virtue, Carolyn  
Whittemore, James

Chase, George  
Fortnam, Janet  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Wallin, Jean  
Yeaton, Charles

Crosby, Toni  
Fraser, Marilyn  
Hess, David  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Downing, Michael  
Hutchinson, Karen  
Letourneau, Robert  
Noyes, Richard  
Priestley, Anne  
Schanda, Frank  
Tufts, J Arthur

Blanchard, MaryAnn  
Clark, Vivian  
Francoeur, Sheila  
Hutchinson, Rebecca  
Lovejoy, Marian  
O'Neil, Michael  
Rubin, George  
Shelton, Richard  
Vaughn, Charles

Case, Margaret  
DiFruscia, Anthony  
Grant, Kenneth  
Johnson, Robert  
McKinney, Betsy  
Pantelakos, Laura  
Sabella, Norma  
Splaine, James  
Whittier, John

Christie, Andrew, Jr  
Dowling, Patricia  
Henderson, Warren  
Kelley, Jane  
Norelli, Terie  
Pitts, Jacqueline  
Sapareto, Frank  
Stone, Joseph  
Zolla, William

**STRAFFORD**

Bickford, David  
Domingo, Baldwin  
Heon, Richard  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Rollo, Michael  
Spear, Barbara

Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Smith, Marjorie  
Twardus, Joseph

DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

**SULLIVAN**

Allison, David  
 Flint, Gordon, Sr  
 McIntyre, Sara  
 Wiggins, Celestine

Burling, Peter  
 Jones, Constance  
 Phinizy, James  
 Young, David

Cloutier, John  
 Kibbey, David  
 Robb-Theroux, Amy

Donovan, Thomas, Jr  
 Leone, Richard  
 Tuthill, John

**NAYS 130****BELKNAP**

Bartlett, Gordon  
 Johnson, James  
 Rosen, Ralph

Boriso, Thomas  
 Lawton, David  
 Thomas, John

Boyce, Robert  
 Lawton, Robert  
 Turner, Robert

Holbrook, Robert  
 Rice, Thomas  
 Wendelboe, Francine

**CARROLL**

Babson, David, Jr  
 Philbrick, Donald

Howard, Godfrey  
 Torressen, Gary

Kenney, Joseph

Patten, Betsey

**CHESHIRE**

Rose, William

Royce, H Charles

**COOS**

Guay, Lawrence

Merrill, Gerald

Pratt, Leighton

Tholl, John, Jr

**GRAFTON**

Alger, John  
 Harmon, Hobart  
 Ward, Brien

Dudley, Terri  
 Hinman, Harry  
 Weber, Phil

Gilman, G Michael  
 Mirski, Paul

Hall, David  
 Phinney, William

**HILLSBOROUGH**

Batula, Peter  
 Bruno, Pierre  
 Cote, Peter  
 Drabinowicz, A  
 Holley, Sylvia  
 L'Heureux, Robert  
 McDonald, James, Sr  
 Nolan-Piteri, Dawn  
 Reeves, Sandra  
 Wall, Nancy

Beaupre, Roland  
 Calawa, Leon, Jr  
 Coughlin, Pamela  
 Emerton, Lawrence  
 Hunter, Bruce  
 Lessard, Rudy  
 McGough, Tim  
 Ouellette, Dean  
 Rowe, Robert  
 White, Donald

Bergeron, Lucien  
 Christiansen, Lars  
 Daniels, Gary  
 Fletcher, Richard  
 Jean, Loren  
 Martel, Andre  
 Mercer, Robert  
 Pappas, Marc  
 Thulander, O Alan

Brundige, Robert  
 Clegg, Robert, Jr  
 Desrosiers, William  
 Herman, Keith  
 Kurk, Neal  
 McColgan, Philip, Jr  
 Mosher, William  
 Pepino, Leo  
 Turgeon, Roland

**MERRIMACK**

Brewster, Richard  
 Leber, William

Daneault, Gabriel  
 Marple, Richard

Langer, Ray  
 Marshall, Kenneth

Larrabee, David, Sr  
 Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
 Bridle, Russell  
 Dalrymple, Janeen  
 Fesh, Robert  
 Gibbons, Paul  
 Katsakiores, George  
 Langone, John  
 Morse, Charles  
 Putnam, Ed, II  
 Stritch, C Donald  
 Weyler, Kenneth

Beaulieu, Jon  
 Cooney, Richard  
 Dearborn, Bruce  
 Flanagan, Natalie  
 Gleason, John  
 Katsakiores, Phyllis  
 Major, Norman  
 Nowe, Mary Lou  
 Raynowska, Bernard  
 Varrell, Thomas

Belanger, Ronald  
 Corbin, C David  
 Dolan, Richard  
 Flanders, David  
 Griffin, Mary  
 Kobel, Rudolph  
 Mikowski, Walter  
 Nowe, Ronald  
 Reardon, Neil  
 Weare, Everett

Bishop, Franklin  
 Cox, Russell  
 Dunham, Vivian  
 Flanders, John, Sr  
 Hamel, Albert  
 Langley, Jane  
 Moore, Benjamin  
 Packard, Sherman  
 Stickney, Nancy  
 Welch, David

**STRAFFORD**

Berube, Roger	Brown, George	Callaghan, Frank	Cossette, Larry
McKinley, Robert	Musler, George	Torr, Franklin	Vincent, Francis
Woods, Phyllis			

**SULLIVAN**

None

and Sections 2, 3 and 4 were adopted.

The question now being the adoption of Sections 1 and 5 (foster care and effective date) of the bill.  
Rep. Weber requested a roll call; sufficiently seconded.

**YEAS 233 NAYS 123****YEAS 233****BELKNAP**

Bartlett, Gordon	Czech, Stanley	Millham, Alida	Pilliod, James
Salatiello, Thomas	Turner, Robert	Wood, Jane	

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Mock, Henry
Sullivan, P Judith			

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Roberts, William	Robertson, Timothy	Royce, H Charles
Russell, Ronald	Zerba, Roger		

**COOS**

Davis, Perley	Glines, Sara	Hawkinson, Marie	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Tholl, John, Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Eaton, Stephanie	Guest, Robert	Johnson, Gary	Marshall, Gene
Nordgren, Sharon	Scanlan, David		

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Arthur, Rose	Baroody, Benjamin	Belvin, William	Bergin, Peter
Buckley, Raymond	Burkush, James	Carlson, Donald	Chabot, Robert
Clemons, Jane	Cote, David	Craig, James	Curran, James
Daigle, Robert	Dawe, Eileen	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fields, Dennis	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Paul
Garrish, Linda	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Herman, Keith	Herman, Richard
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
LaPorte, George	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Leonard, Peter	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martin, Mary	McCarthy, William	McCarty, Winston

McDonough-Wallace, Alice  
 Mercer, Robert  
 O'Connell, Timothy  
 Reidy, Frank  
 Tate, Joan

McGough, Tim  
 Messier, Irene  
 O'Hearn, Jane  
 Sarette, John  
 Vaillancourt, Steve

Melcher, Harold  
 Moran, Edward  
 Perkins, Paul  
 Sargent, Maxwell  
 Withee, Dennis

Mendenhall, Leslie  
 Moriarty, Mary  
 Peterson, Andrew  
 Simon, Anthony

### MERRIMACK

Bouchard, Candace  
 Davis, Francis  
 French, Barbara  
 Jacobson, Alf  
 Moore, Carol  
 Poulin, Dave  
 St Cyr, Gerard  
 Whittemore, James

Brewster, Richard  
 Feuerstein, Martin  
 Gile, Mary  
 Kennedy, Richard  
 Nichols, Avis  
 Reardon, Tara  
 Virtue, Carolyn  
 Yeaton, Charles

Chase, George  
 Fortnam, Janet  
 Hager, Elizabeth  
 Lockwood, Priscilla  
 Owen, Derek  
 Rodd, Beth  
 Wallin, Jean

Crosby, Toni  
 Fraser, Marilyn  
 Hess, David  
 Maxfield, Roy  
 Potter, Frances  
 Seldin, Gloria  
 Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
 Case, Margaret  
 Dalrymple, Janeen  
 Francoeur, Sheila  
 Hutchinson, Rebecca  
 Lovejoy, Marian  
 O'Neil, Michael  
 Rubin, George  
 Shelton, Richard  
 Vaughn, Charles

Belanger, Ronald  
 Christie, Andrew, Jr  
 DiFruscia, Anthony  
 Grant, Kenneth  
 Johnson, Robert  
 McKinney, Betsy  
 Pantelakos, Laura  
 Sabella, Norma  
 Splaine, James  
 Whittier, John

Blanchard, MaryAnn  
 Clark, Martha  
 Dowling, Patricia  
 Henderson, Warren  
 Kelley, Jane  
 Norelli, Terie  
 Pitts, Jacqueline  
 Sapareto, Frank  
 Stone, Joseph

Bridle, Russell  
 Clark, Vivian  
 Flanders, David  
 Hutchinson, Karen  
 Letourneau, Robert  
 Noyes, Richard  
 Priestley, Anne  
 Schanda, Frank  
 Tufts, J Arthur

### STRAFFORD

Bickford, David  
 Domingo, Baldwin  
 Heon, Richard  
 Knowles, William  
 Pelletier, Arthur  
 Snyder, Clair  
 Vachon, Dennis

Brennan, William  
 Dunlap, Patricia  
 Johnson, Nancy  
 Lent, Donald  
 Rogers, Rose Marie  
 Spang, Judith  
 Wall, Janet

Brown, Julie  
 Estabrook, Iris  
 Kaen, Naida  
 Lundborn, Raymond  
 Rollo, Michael  
 Spear, Barbara

DeChane, Marlene  
 Gilmore, Gary  
 Keans, Sandra  
 Musler, George  
 Smith, Marjorie  
 Twardus, Joseph

### SULLIVAN

Allison, David  
 Flint, Gordon, Sr  
 McIntyre, Sara  
 Wiggins, Celestine

Burling, Peter  
 Jones, Constance  
 Phinizy, James  
 Young, David

Cloutier, John  
 Kibbey, David  
 Robb-Theroux, Amy

Donovan, Thomas, Jr  
 Leone, Richard  
 Tuthill, John

### NAYS 123

### BELKNAP

Boriso, Thomas  
 Lawton, David  
 Thomas, John

Boyce, Robert  
 Lawton, Robert  
 Wendelboe, Francine

Holbrook, Robert  
 Rice, Thomas

Johnson, James  
 Rosen, Ralph

### CARROLL

Babson, David, Jr  
 Philbrick, Donald

Howard, Godfrey  
 Torressen, Gary

Kenney, Joseph

Patten, Betsey

### CHESHIRE

Rose, William

Smith, Edwin

**COOS**

Guay, Lawrence

Merrill, Gerald

**GRAFTON**

Alger, John  
 Harmon, Hobart  
 Picconi, Al

Dudley, Terri  
 Hinman, Harry  
 Ward, Brien

Gilman, G Michael  
 Mirski, Paul  
 Weber, Phil

Hall, David  
 Phinney, William

**HILLSBOROUGH**

Batula, Peter  
 Bruno, Pierre  
 Cote, Peter  
 Desrosiers, William  
 Hunter, Bruce  
 Lessard, Rudy  
 Milligan, Robert  
 Pappas, Marc  
 Thulander, O Alan

Beaupre, Roland  
 Calawa, Leon, Jr  
 Coughlin, Pamela  
 Drabinowicz, A  
 Jean, Loren  
 Martel, Andre  
 Mosher, William  
 Pepino, Leo  
 Turgeon, Roland

Bergeron, Lucien  
 Christiansen, Lars  
 Daniels, Gary  
 Fletcher, Richard  
 Kurk, Neal  
 McColgan, Philip, Jr  
 Nolan-Piteri, Dawn  
 Reeves, Sandra  
 Wall, Nancy

Brundige, Robert  
 Clegg, Robert, Jr  
 Desmarais, Vivian  
 Holley, Sylvia  
 L'Heureux, Robert  
 McDonald, James, Sr  
 Ouellette, Dean  
 Rowe, Robert  
 White, Donald

**MERRIMACK**

Anderson, Eric  
 Leber, William  
 Whalley, Michael

Daneault, Gabriel  
 Marple, Richard

Langer, Ray  
 Marshall, Kenneth

Larrabee, David, Sr  
 Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
 Corbin, C David  
 Downing, Michael  
 Flanders, John, Sr  
 Hamel, Albert  
 Langley, Jane  
 Moore, Benjamin  
 Packard, Sherman  
 Stickney, Nancy  
 Welch, David

Beaulieu, Jon  
 Cox, Russell  
 Dunham, Vivian  
 Gibbons, Paul  
 Katsakiores, George  
 Langone, John  
 Morse, Charles  
 Putnam, Ed, II  
 Stritch, C Donald  
 Weyler, Kenneth

Bishop, Franklin  
 Dearborn, Bruce  
 Fesh, Robert  
 Gleason, John  
 Katsakiores, Phyllis  
 Major, Norman  
 Nowe, Mary Lou  
 Raynowska, Bernard  
 Varrell, Thomas  
 Zolla, William

Cooney, Richard  
 Dolan, Richard  
 Flanagan, Natalie  
 Griffin, Mary  
 Kobel, Rudolph  
 Mikowski, Walter  
 Nowe, Ronald  
 Reardon, Neil  
 Weare, Everett

**STRAFFORD**

Berube, Roger  
 McKinley, Robert

Brown, George  
 Torr, Franklin

Callaghan, Frank  
 Vincent, Francis

Cossette, Larry  
 Woods, Phyllis

**SULLIVAN**

None

and Sections 1 and 5 were adopted.  
 Report adopted and ordered to third reading.

**HB 276-FN-L**, requiring that a school administrative unit budget be approved by vote at the annual school district meeting. **INEXPEDIENT TO LEGISLATE**

Rep. William A. Riley for Education: This bill would require that an SAU budget must be approved by annual school district meeting. The committee felt that the vote by the school board on the SAU budget should be sufficient. This has been studied recently with no solution available due to SAU make up. The action that the bill could be used as a vehicle for a wide ranging examination of the question was received with a lack of enthusiasm since this has been done many times in the last decade to no agreement. Vote 13-4.

Adopted.



**HB 223**, relative to waiver of filing fees and petitions for candidates for federal offices. **OUGHT TO PASS**

Rep. David A. Young for Election Law: After a spirited debate the Committee voted 13-3 to pass the bill. The legislation removes the additional filing fee for federal office as related to the voluntary spending limits. This fee is currently not being collected by the Secretary of State office as advised by the NH Attorney General. Vote 13-3.

Adopted and ordered to third reading.

**HB 376**, relative to the times for sessions for corrections of voter checklists. **INEXPEDIENT TO LEGISLATE**

Rep. Jane A. Clemons for Election Law: The majority of the committee felt that changing the time for these evening sessions for corrections of voter checklist and alterations to party registration from 2 hours to 1 hour is a disservice to the public for whom these sessions serve as opposed to the convenience of the elected supervisors of the checklist Vote 10-7.

Adopted.

**HB 63-FN-A**, relative to the Weekly Market Bulletin's budget and making an appropriation therefor. **OUGHT TO PASS**

Rep. Kenneth R. Marshall for Environment and Agriculture: This legislation was requested by the Department of Agriculture Markets and Food. It establishes a non-lapsing fund for all the subscription money to the Weekly Market Bulletin, which shall be continually appropriated to the Commissioner to pay the costs of publication of the Weekly Market Bulletin. Vote 17-0.

Adopted and referred to Finance.

**HB 229**, changing the registration fee requirement of the commercial feed law. **OUGHT TO PASS**

Rep. Peter R. Leishman for Environment and Agriculture: This bill was requested by the Department of Agriculture, Markets and Food to simply correct a glitch in language, which was causing some confusion in certain quarters. Vote 17-0.

Adopted and ordered to third reading.

**HB 238-FN-A**, allowing the production and sale of American ginseng in the state of New Hampshire and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth R. Marshall for Environment and Agriculture: This bill requested by the Department of Agriculture Markets and Food simply allows for the legal growing of ginseng for interstate and international sales. It is already allowed for in-state sales. Vote 16-0.

#### **Amendment (0259h)**

Amend RSA 433-B:1, V as inserted by section 1 of the bill by replacing it with the following:

V. "Grower" means a person who cultivates ginseng for export, either interstate or international.

Adopted.

Report adopted and ordered to third reading.

**HB 239-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. James Phinizz for Environment and Agriculture: This bill permits development and production of industrial hemp, so that New Hampshire agriculture may access a burgeoning market and correspondingly take a leadership role in this start-up market. Consistent with the desire to sustain agriculture and promote its continued success and growth by expanding into new markets, the committee considers industrial hemp a viable, alternative crop. It is a hardy, adaptable easy keeper, which does not require herbicides or pesticides, nor is it labor intensive. The Department of Agriculture is in complete support of this enterprise consistent with encouraging expansion into new and diverse fields of endeavor.

While industrial hemp is not new in this country, it was used, prior to synthetics, mostly to manufacture rope and line for maritime use. "Modern" industrial hemp produces such products as fuel, paper, paint, oils and lotions, as well as fabrics for furniture, shoes, and clothing. It is firmly established as a viable cash crop and commodity in approximately twenty-eight countries from Europe to Australia. At present, eight states, cognizant of its market potential, are addressing legislation permitting hemp production, and Hawaii has passed industrial hemp legislation through its House. Last year Canada permitted full-scale cultivation of industrial hemp.

After considerable review and several revisions and mindful of public safety and law enforcement's concerns expressed in both committee and sub-committee hearings, the "Canadian" guidelines for initial applications, crop management and registration procedures were adopted and included in the final amended version of HB 239-FN-A. These rather extensive guidelines draw upon ten years of experience in enforcement and oversight in Europe and serve as the basis for the management and control provisions in HB 239-FN-A. Stringent requirements must be observed and include such aspects as record keeping, controlled acquisition of seed exclusively through the Department of Agriculture, and crop management (growth limitations, acreage, number of parcels and parcel locations). Most importantly, costs necessary to monitor levels of tetrahydrocannabinol ("THC") are to be borne by the grower, and an applicant must past strict preconditions, not the least of which the applicant or registrant may not make misrepresentations, be dilatory in management of records or have been convicted of " . . . Any drug offense as provided in RSA 318-B: 26 . . . " Vote 14-6.

### **Amendment (0270h)**

Amend the bill by replacing section 1 with the following:

I New Chapter: Industrial Hemp. Amend RSA by inserting after chapter 433-A the following new chapter:

### **CHAPTER 433-B INDUSTRIAL HEMP**

433-B:1 Purpose. The purpose of this chapter is to permit the development in New Hampshire of an industrial hemp industry, and to assure that production of industrial hemp is in compliance with state laws.

433-B:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of agriculture, markets, and food.

II. "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particle board, plastics, seed, seed meal and seed oil for consumption, and certified seed for cultivation if such seeds originate from industrial hemp varieties.

III. "Industrial hemp" means all parts and varieties of the plant *Cannabis sativa*, whether growing or not, that contain a tetrahydrocannabinol concentration of one percent or less by weight and are cultivated or possessed by a licensed grower in compliance with this chapter.

IV. "Records" means all commercial documents related to the production of industrial hemp, including accounts, correspondence, declarations, purchase orders, registers, seed invoices and tetrahydrocannabinol (THC) concentration analysis reports, including all documentation required under this chapter and by any other state law regarding the growing and cultivation of industrial hemp.

V. "Tetrahydrocannabinol" means a *Cannabis sativa* L. by-product, found in the resin secreted by the plant, that imparts psychoactive properties to marijuana.

433-B:3 Industrial Hemp an Agricultural Product. Industrial hemp is an agricultural product which may only be grown, produced, possessed and commercially traded in New Hampshire pursuant to the provisions of this chapter.

433-B:4 Licensing; Application.

I. Any person or business entity wishing to grow industrial hemp shall be licensed as an industrial hemp grower by the commissioner. A license from the commissioner shall authorize industrial hemp growing only at a site or sites as specified by the license.

II. A license from the commissioner shall be valid for 24 months and may be renewed, but shall not be transferable. An application for a license shall be filed with the commissioner by January 1, and a license granted by the commissioner shall be issued by February 1 of the same calendar year.

III. To qualify for a license from the commissioner, an applicant shall demonstrate to the satisfaction of the commissioner, in a manner prescribed by the commissioner, that the applicant intends to and is capable of growing industrial hemp, and has adopted methods to ensure its safe production, which at a minimum shall include:

(a) Furnishing the commissioner with a guaranteed irrevocable letter of credit or a surety bond executed by a surety company authorized to transact business in this state, in the sum of not less than \$2,000, obtained for the sole benefit of any person suffering loss or damage from violations of this chapter, or of the state of New Hampshire to cover the cost of destroying any industrial hemp crop not in compliance with this chapter.

(b) Ensuring the integrity of the industrial hemp crop while it is in the field, which shall include filing with the commissioner the location and acreage of all parcels sown and other field reference information as may be required by the commissioner.

(c) Ensuring that all parts of the industrial hemp plant not entering the stream of commerce as hemp products, such as flowers and leaves, are destroyed or recycled at the place of production.

(d) Agreeing to the provisions of RSA 433-A:6, II and III, regarding inspections by the commissioner.

(e) Maintaining records that reflect compliance with the provisions of this chapter and with all other state laws regulating the planting and cultivation of hemp.

(f) Every industrial hemp grower shall maintain all production records for at least 3 years at the production site.

433-B:5 Seed; Importation.

I. The commissioner shall be the sole source and supplier of seed for use in industrial hemp production in the state. The commissioner shall by rule adopt measures to define, distinguish and identify hemp as a plant variety consistent with the provisions of this chapter, secure all hemp seed under the control of the commissioner, and ensure that all hemp seed supplied to and used by growers is only the seed of the industrial hemp plant as defined in RSA 433-B:2, III.

II. An industrial hemp grower shall only use hemp seed obtained exclusively from the commissioner.

433-B:6 Administration; Inspection; Rules.

I. The commissioner shall administer and enforce the provisions of this chapter.

II. The commissioner is authorized to investigate compliance with this chapter, and shall have access, subject to the provisions of paragraph III, to all land, buildings, or places where industrial hemp is grown, kept, stored, or handled, and to all records relating to hemp production. The commissioner may take samples of up to 1/10 of one percent of the industrial hemp crop of an industrial hemp grower, to test the crop tetrahydrocannabinol content to ensure compliance with this chapter and to provide a basis for sanctions or suspension of an industrial hemp grower out of compliance. The commissioner may make copies of any records.

III. The commissioner shall have access to the properties and records specified in paragraph II during regular business hours upon the consent of the industrial hemp grower, or when the commissioner has substantial justification to believe that any industrial hemp grower who is licensed under this chapter is otherwise in violation of this chapter or rules adopted under it.

IV. The commissioner shall adopt rules, pursuant to RSA 541-A, to implement this chapter.

433-B:7 Revocation and Suspension of License; Enforcement.

I. The commissioner shall deny, suspend, revoke, or refuse to renew an industrial hemp grower's license in the following cases:

(a) If false or misleading information, statements, misrepresentation, or false or falsified documents have been submitted on or with an application or renewal for a license.

(b) If the industrial hemp grower fails to take any action required by the commissioner under the provisions of this chapter.

(c) If the commissioner has been informed and has verified that the license holder, or in the case of a corporation, cooperative or partnership, any of its officers, directors or partners, has a criminal record that includes within the previous 10 years:

(1) Any designated drug offense as provided in RSA 318-B:26; or

(2) If he or she ordinarily resides in a country other than the United States, an offense that if committed in the United States would constitute a designated drug offense.

(d) In the case of a corporation, cooperative or partnership, if any person who is less than 18 years of age is named as an officer, director or partner.

(e) If the holder of a license that was required to be submitted with the application no longer holds the license.

II. The commissioner may revoke a license where it is necessary to protect the security, safety or health of the public, if the commissioner has reasonable grounds to believe that the license holder has violated or failed to comply with any provision of this chapter or any rule adopted under it, or any condition of the license.

III. Revocation or suspension of a license may be in addition to any criminal penalties or fines imposed on an industrial hemp grower under other state law.

## 433-B:8 Fee; Cost of Seed; Special Fund.

I. A fee shall be charged by the commissioner for each license granted to an industrial hemp grower under this chapter. The fee amount charged for the first growing season shall be \$10 per acre of land under cultivation, plus a sufficient amount for testing samples, if required by the commissioner. After the first growing season, the commissioner shall recommend a fee amount to the general court for its approval, to be used beginning with the growing season following the first growing season. All fee revenue shall be deposited in the special program fund established in paragraph III.

II. The commissioner shall by rule establish hemp seed prices to be charged growers under provisions of RSA 433-B:3. All proceeds of seed sales shall be deposited in the industrial hemp special program fund established in paragraph III.

III. An industrial hemp special program fund is established in the office of the state treasurer. All moneys in the fund shall be nonlapsing and continually appropriated to the commissioner and used to defray the cost of implementing this chapter.

## 433-B:9 Research; University of New Hampshire.

I. The university of New Hampshire office of sponsored research is authorized to undertake research of industrial hemp production in the state, after receiving a license to grow hemp both from the commissioner and from the USDEA to the extent required by law. The commissioner may waive fee requirements for the university. The commissioner shall oversee the university research, which shall be mutually agreed upon by the commissioner and the university, and which shall include:

(a) Industrial hemp test plots, to assess optimum New Hampshire soils and other growing conditions.

(b) Analysis of minimum THC levels obtainable in industrial hemp production.

(c) Analysis of market economic conditions affecting the development of an industrial hemp industry in the state of New Hampshire.

II. The commissioner and the university shall cooperatively seek funds from both public and private sources to implement this section. Such funds shall be deposited into the industrial hemp special program fund.

III. By December 1, 1999, and annually thereafter, the university shall report on the status of research authorized by this section, including progress in securing funding for it, to the house environment and agriculture committee and the senate environment committee.

433-B:10 Report. The commissioner shall by January 15 of each year report to the house environment and agriculture committee and the senate environment committee on implementation of this chapter and on the commercialization of industrial hemp in this state and elsewhere in the world, and recommend any changes to this chapter deemed appropriate.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill permits the production of industrial hemp in New Hampshire. A person or business entity wishing to grow and produce industrial hemp must be licensed by the commissioner of agriculture, markets, and food. The commissioner of agriculture, markets, and food will be the sole source and supplier of seed for use in industrial hemp production.

The commissioner of agriculture, markets, and food shall charge a fee for each license granted to industrial hemp growers. The revenue from these fees is to be used to defray the costs of licensing and regulating industrial hemp growers, for testing samples, and to fund a research program on industrial hemp production to be conducted by the university of New Hampshire office of sponsored research.

This bill grants the commissioner of agriculture, markets, and food rulemaking authority with respect to licensing and inspection of industrial hemp growers, and identification and distinguishing of hemp as a plant variety.

This bill establishes conditions under which the commissioner may or shall deny, suspend, revoke, or refuse to renew an industrial hemp grower's license.

Adopted.

Rep. Melcher spoke against and yielded to questions.

Rep. Flora spoke against.

Rep. Harmon spoke in favor and yielded to questions.

Rep. Flora requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 174 NAYS 183****YEAS 174****BELKNAP**

Czech, Stanley	Holbrook, Robert	Lawton, David	Lawton, Robert
Rice, Thomas	Salatiello, Thomas	Wood, Jane	

**CARROLL**

Babson, David, Jr	Dickinson, Howard	Philbrick, Donald	Sullivan, P Judith
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**CHESHIRE**

Batchelder, Robert	DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Zerba, Roger

**COOS**

Glines, Sara	Hawkinson, Marie	Horton, Lynn	Landers, Dana
Mears, Edgar	Rodrigue, Robert		

**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Harmon, Hobart	Johnson, Gary	Mirski, Paul	Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Buckley, Raymond	Burkush, James	Chabot, Robert	Clemons, Jane
Cote, David	Cote, Peter	Curran, James	Daigle, Robert
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Drabinowicz, A
Fields, Dennis	Franks, Suzan	Garrish, Linda	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard
Jean, Claudette	Keye, Harvey	Konys, Christine	Kurk, Neal
LaPorte, George	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	McColgan, Philip, Jr
McDonough-Wallace, Alice	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary
Mosher, William	Murphy, Robert	Perkins, Paul	Reidy, Frank
Sarette, John	Sargent, Maxwell	Simon, Anthony	Turgeon, Roland
Vaillancourt, Steve			

**MERRIMACK**

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Jacobson, Alf	Lockwood, Priscilla	Marple, Richard	Moore, Carol
Nichols, Avis	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Blanchard, MaryAnn	Bridle, Russell
Clark, Martha	Corbin, C David	Cox, Russell	Dearborn, Bruce
Flanagan, Natalie	Gibbons, Paul	Hutchinson, Karen	Kelley, Jane
Norelli, Terie	Noyes, Richard	Pitts, Jacqueline	Rubin, George
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Splaine, James	Tufts, J Arthur	Vaughn, Charles	Weyler, Kenneth

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Brown, Julie
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Lent, Donald	Lundborn, Raymond	Musler, George
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis	Vincent, Francis		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	McIntyre, Sara	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

**NAYS 183**

**BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Johnson, James
Millham, Alida	Pilliod, James	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Torresen, Gary

**CHESHIRE**

Avery, Stephen	Blaisdell, Michael	Burnham, Daniel	Hunt, John
Roberts, William	Rose, William	Royce, H Charles	Smith, Edwin

**COOS**

Davis, Perley	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Hall, David	Hinman, Harry
Marshall, Gene	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Craig, James	Daniels, Gary
Dokmo, Cynthia	Durham, Susan	Dyer, Merton	Emerton, Lawrence
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Gagnon, Paul	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Johnson, Lionel	L'Heureux, Robert
LaRose, Richard	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McDonald, James, Sr
McGough, Tim	Melcher, Harold	Mercer, Robert	Milligan, Robert
Moran, Edward	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Ouellette, Dean	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Davis, Francis	Feuerstein, Martin
Hess, David	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Leber, William	Marshall, Kenneth	Maxfield, Roy	Poulin, Dave
Soltani, Tony	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Case, Margaret
Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed, II	Raynowska, Bernard	Reardon, Neil	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Weare, Everett
Welch, David	Whittier, John	Zolla, William	

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Cossette, Larry	Knowles, William
McKinley, Robert	Spear, Barbara	Torr, Franklin	Tsiros, William
Wall, Janet	Woods, Phyllis		

**SULLIVAN**

Jones, Constance	Kibbey, David	Leone, Richard	Young, David
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and the report failed.

Rep. Melcher moved that **HB 239-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund, be Inexpedient to Legislate.

Rep. Leishman moved Re-commit to Committee and spoke in favor.

Rep. Dolan requested a roll call; sufficiently seconded.

The question being the motion to Re-commit to Committee.

**YEAS 195 NAYS 163****YEAS 195****BELKNAP**

Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Lawton, David
Lawton, Robert	Rice, Thomas	Salatiello, Thomas	Wood, Jane

**CARROLL**

Babson, David, Jr	Bradley, Jeb	Dickinson, Howard	Philbrick, Donald
Sullivan, P Judith			

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Zerba, Roger		

**COOS**

Glines, Sara	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

**GRAFTON**

Almy, Susan	Brothers, Richard	Copenhaver, Marion	Densmore, Jessica
Eaton, Stephanie	Guest, Robert	Harmon, Hobart	Johnson, Gary
Mirski, Paul	Nordgren, Sharon	Scanlan, David	

**HILLSBOROUGH**

Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Bergin, Peter	Buckley, Raymond	Burkush, James	Chabot, Robert
Clemons, Jane	Cote, David	Cote, Peter	Curran, James
Daigle, Robert	Dawe, Eileen	Desmarais, Vivian	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A	Dyer, Merton	Fields, Dennis
Foster, Linda	Franks, Suzan	Garrish, Linda	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard
Jean, Claudette	Keye, Harvey	Konys, Christine	Kurk, Neal
LaPorte, George	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	Lynde, Harold	Martin, Mary	McCarthy, William
McDonough-Wallace, Alice	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Milligan, Robert	Moriarty, Mary	Mosher, William	Murphy, Robert
Perkins, Paul	Peterson, Andrew	Reidy, Frank	Sarette, John
Sargent, Maxwell	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla	Marple, Richard
Maxfield, Roy	Moore, Carol	Nichols, Avis	Owen, Derek
Potter, Frances	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Bridle, Russell	Clark, Martha	Corbin, C David
Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia
Francoeur, Sheila	Gibbons, Paul	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Kelley, Jane	Major, Norman	Norelli, Terie
Pitts, Jacqueline	Rubin, George	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Splaine, James	Tufts, J Arthur
Vaughn, Charles	Weyler, Kenneth	Whittier, John	

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Brown, Julie
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Lent, Donald	Lundborn, Raymond	Musler, George
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Torr, Franklin
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Kibbey, David	McIntyre, Sara	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	Young, David



**NAYS 163****BELKNAP**

Boriso, Thomas  
 Pilliod, James  
 Wendelboe, Francine

Boyce, Robert  
 Rosen, Ralph

Johnson, James  
 Thomas, John

Millham, Alida  
 Turner, Robert

**CARROLL**

Chandler, Gene  
 Mock, Henry

Howard, Godfrey  
 Patten, Betsey

Kenney, Joseph  
 Torressen, Gary

Lyman, L Randy

**CHESHIRE**

Blaisdell, Michael  
 Royce, H Charles

Hunt, John  
 Smith, Edwin

Roberts, William

Rose, William

**COOS**

Davis, Perley  
 Pratt, Leighton

Guay, Lawrence  
 Tholl, John, Jr

Horton, Lynn  
 Woodward, David

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
 Hall, David  
 Picconi, Al

Alger, John  
 Hinman, Harry  
 Ward, Brien

Dudley, Terri  
 Marshall, Gene  
 Weber, Phil

Gilman, G Michael  
 Phinney, William

**HILLSBOROUGH**

Alukonis, David  
 Belvin, William  
 Calawa, Leon, Jr  
 Coughlin, Pamela  
 Emerton, Lawrence  
 Gagnon, Paul  
 Hunter, Bruce  
 LaRose, Richard  
 Martel, Andre  
 McGough, Tim  
 O'Connell, Timothy  
 Reeves, Sandra  
 Wall, Nancy

Andrews, Frederick  
 Bergeron, Lucien  
 Carlson, Donald  
 Craig, James  
 Fletcher, Richard  
 Hansen, Herbert  
 Jean, Loren  
 Leonard, Peter  
 McCarty, Winston  
 Melcher, Harold  
 O'Hearn, Jane  
 Rowe, Robert  
 White, Donald

Batula, Peter  
 Brundige, Robert  
 Christiansen, Lars  
 Daniels, Gary  
 Flora, Kathleen  
 Herman, Keith  
 Johnson, Lionel  
 Lozeau, Donnalee  
 McColgan, Philip, Jr  
 Moran, Edward  
 Ouellette, Dean  
 Tate, Joan  
 Withee, Dennis

Beaupre, Roland  
 Bruno, Pierre  
 Clegg, Robert, Jr  
 Durham, Susan  
 Ford, Nancy  
 Holley, Sylvia  
 L'Heureux, Robert  
 MacGillivray, Jeffrey  
 McDonald, James, Sr  
 Nolan-Piteri, Dawn  
 Pepino, Leo  
 Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
 Hess, David  
 Leber, William  
 Whalley, Michael

Brewster, Richard  
 Kennedy, Richard  
 Marshall, Kenneth

Davis, Francis  
 Langer, Ray  
 Poulin, Dave

Feuerstein, Martin  
 Larrabee, David, Sr  
 Soltani, Tony

**ROCKINGHAM**

Abbott, Dennis  
 Bishop, Franklin  
 Cooney, Richard  
 Dunham, Vivian  
 Flanders, John, Sr  
 Hamel, Albert  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Nowe, Mary Lou  
 Packard, Sherman  
 Reardon, Neil  
 Varrell, Thomas

Arndt, Janet  
 Case, Margaret  
 Dalrymple, Janeen  
 Fesh, Robert  
 Gleason, John  
 Henderson, Warren  
 Langley, Jane  
 Mikowski, Walter  
 Nowe, Ronald  
 Priestley, Anne  
 Stickney, Nancy  
 Wear, Everett

Beaulieu, Jon  
 Christie, Andrew, Jr  
 Dolan, Richard  
 Flanagan, Natalie  
 Grant, Kenneth  
 Katsakiores, George  
 Langone, John  
 Moore, Benjamin  
 Noyes, Richard  
 Putnam, Ed, II  
 Stone, Joseph  
 Welch, David

Belanger, Ronald  
 Clark, Vivian  
 Downing, Michael  
 Flanders, David  
 Griffin, Mary  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Morse, Charles  
 O'Neil, Michael  
 Raynowska, Bernard  
 Stritch, C Donald  
 Zolla, William

**STRAFFORD**

Berube, Roger	Callaghan, Frank	Cossette, Larry	Knowles, William
McKinley, Robert	Spear, Barbara	Tsiros, William	Wall, Janet
Woods, Phyllis			

**SULLIVAN**

Jones, Constance	Leone, Richard
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and the motion to re-commit was adopted.

**RECESS**

**(Speaker Sytek in the Chair)**

**RESOLUTION**

Reps. Chandler and Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 735 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL**

**First, second reading and referral**

**HB 735-FN-A**, establishing a contributory judicial retirement plan. (Dyer, Hills 8; Kurk, Hills 5; Roberge, Dist 9: Executive Departments and Administration)

**REGULAR CALENDAR (CONT'D.)**

**HB 256**, repealing the preemption of local regulation of pesticides. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harold P. Melcher for the Majority of Environment and Agriculture: The committee believes that an issue as complex as pesticide regulation with the necessity of detailed scientific information and discipline can be far better addressed by experienced, informed state agency professionals than by over two hundred amateurs, often over-stressed, local town boards. Vote 14-3.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: This bill would return to local communities the right to have some say in the regulation of pesticide. Local communities should have a voice when toxic chemicals are sprayed on or near their land; they should have some say when it comes to protecting their water, land, or health.

Rep. Martin moved Re-commit to Committee and spoke in favor.

Rep. Leishman spoke against and yielded to questions.

Rep. Leishman requested a roll call; sufficiently seconded.

The question being the motion to Re-commit to Committee.

**YEAS 115 NAYS 219**

**YEAS 115**

**BELKNAP**

Lawton, Robert	Rice, Thomas	Rosen, Ralph	Salatiello, Thomas
Wood, Jane			

**CARROLL**

Sullivan, P Judith

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	DePecol, Benjamin	Doucette, Richard
Lerandeau, Alfred	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald

**COOS**

Glines, Sara	Landers, Dana	Mears, Edgar
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**GRAFTON**

Almy, Susan  
Gilman, G Michael  
Weber, Phil

Copenhaver, Marion  
Guest, Robert

Densmore, Jessica  
Nordgren, Sharon

Eaton, Stephanie  
Ward, Brien

**HILLSBOROUGH**

Ahern, Richard  
Buckley, Raymond  
Daigle, Robert  
Gagnon, Paul  
Jean, Claudette  
LaPorte, George  
Martin, Mary  
Murphy, Robert  
Turgeon, Roland

Arthur, Rose  
Carlson, Donald  
Desmarais, Vivian  
Garrish, Linda  
Keye, Harvey  
Lasky, Bette  
McCarthy, William  
Reidy, Frank  
Vaillancourt, Steve

Baroody, Benjamin  
Cote, David  
Desrosiers, William  
Haettenschwiller, Alphonse  
Konys, Christine  
Leonard, Peter  
McDonough-Wallace, Alice  
Sarette, John  
White, Donald

Bergeron, Lucien  
Cote, Peter  
Foster, Linda  
Hall, Betty  
L'Heureux, Robert  
Lynde, Harold  
Moriarty, Mary  
Simon, Anthony

**MERRIMACK**

Brewster, Richard  
French, Barbara  
Virtue, Carolyn

Chase, George  
Gile, Mary  
Wallner, Mary Jane

Crosby, Toni  
Nichols, Avis  
Whittemore, James

Daneault, Gabriel  
Owen, Derek  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Johnson, Robert  
Pitts, Jacqueline  
Sapareto, Frank

Clark, Martha  
Kelley, Jane  
Reardon, Neil  
Schanda, Frank

Gibbons, Paul  
Langley, Jane  
Rubin, George  
Shelton, Richard

Grant, Kenneth  
Norelli, Terie  
Sabella, Norma

**STRAFFORD**

Berube, Roger  
Heon, Richard  
Pelletier, Arthur  
Snyder, Clair

Brennan, William  
Johnson, Nancy  
Pelletier, Marsha  
Spang, Judith

Brown, George  
Knowles, William  
Rogers, Rose Marie  
Twardus, Joseph

Domingo, Baldwin  
Lundborn, Raymond  
Smith, Marjorie  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Phinzy, James

Burling, Peter  
Tuthill, John

Donovan, Thomas, Jr  
Wiggins, Celestine

McIntyre, Sara

**NAYS 219****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James

Boriso, Thomas  
Johnson, James  
Thomas, John

Boyce, Robert  
Lawton, David  
Turner, Robert

Czech, Stanley  
Millham, Alida  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Torresen, Gary

Howard, Godfrey  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
McGuirk, Paul  
Royce, H Charles

Hunt, John  
Pratt, Irene  
Smith, Edwin

Lynott, Margaret  
Roberts, William  
Zerba, Roger

Manning, Joseph  
Rose, William

**COOS**

Davis, Perley  
Merrill, Gerald  
Woodward, David

Guay, Lawrence  
Pratt, Leighton

Hawkinson, Marie  
Rodrigue, Robert

Horton, Lynn  
Tholl, John, Jr

**GRAFTON**

Akins, Ralph  
Hall, David  
Phinney, William

Alger, John  
Harmon, Hobart  
Picconi, Al

Brothers, Richard  
Marshall, Gene  
Scanlan, David

Dudley, Terri  
Mirski, Paul

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Burkush, James  
Clegg, Robert, Jr  
Daniels, Gary  
Dyer, Merton  
Flora, Kathleen  
Herman, Keith  
Jean, Loren  
Leishman, Peter  
Martel, Andre  
Melcher, Harold  
Moran, Edward  
O'Hearn, Jane  
Peterson, Andrew  
Tate, Joan

Andrews, Frederick  
Bergin, Peter  
Calawa, Leon, Jr  
Clemons, Jane  
Dokmo, Cynthia  
Emerton, Lawrence  
Goley, Jeffrey  
Herman, Richard  
Johnson, Lionel  
Lessard, Rudy  
McCarty, Winston  
Mendenhall, Leslie  
Mosher, William  
Ouellette, Dean  
Reeves, Sandra  
Thulander, O Alan

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Drabinowicz, A  
Fields, Dennis  
Gorman, Mary  
Holley, Sylvia  
Kurk, Neal  
Lozeau, Donnalee  
McColgan, Philip, Jr  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Rowe, Robert  
Wall, Nancy

Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Craig, James  
Durham, Susan  
Fletcher, Richard  
Hansen, Herbert  
Hunter, Bruce  
LaRose, Richard  
MacGillivray, Jeffrey  
McDonald, James, Sr  
Milligan, Robert  
O'Connell, Timothy  
Perkins, Paul  
Sargent, Maxwell  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Fortnam, Janet  
Kennedy, Richard  
Lockwood, Priscilla  
Potter, Frances  
St Cyr, Gerard

Bouchard, Candace  
Fraser, Marilyn  
Langer, Ray  
Marple, Richard  
Poulin, Dave  
Whalley, Michael

Davis, Francis  
Hess, David  
Larrabee, David, Sr  
Marshall, Kenneth  
Rodd, Beth

Feuerstein, Martin  
Jacobson, Alf  
Leber, William  
Maxfield, Roy  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Corbin, C David  
DiFruscia, Anthony  
Fesh, Robert  
Gleason, John  
Hutchinson, Karen  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Raynowska, Bernard  
Stritch, C Donald  
Verani, Giovanni  
Whittier, John

Beaulieu, Jon  
Christie, Andrew, Jr  
Cox, Russell  
Dolan, Richard  
Flanagan, Natalie  
Griffin, Mary  
Hutchinson, Rebecca  
Langone, John  
Mikowski, Walter  
Noyes, Richard  
Priestley, Anne  
Splaine, James  
Tufts, J Arthur  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Clark, Vivian  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John, Sr  
Hamel, Albert  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Putnam, Ed, II  
Stickney, Nancy  
Varrell, Thomas  
Welch, David

Bishop, Franklin  
Cooney, Richard  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Quandt, Marshall  
Stone, Joseph  
Vaughn, Charles  
Weyler, Kenneth

**STRAFFORD**

Bickford, David  
Estabrook, Iris  
Rollo, Michael  
Vincent, Francis

Brown, Julie  
Kaen, Naida  
Spear, Barbara  
Wall, Janet

Callaghan, Frank  
Lent, Donald  
Taylor, Kathleen  
Woods, Phyllis

Cossette, Larry  
Musler, George  
Torr, Franklin

**SULLIVAN**

Cloutier, John	Flint, Gordon, Sr	Jones, Constance	Kibbey, David
Robb-Theroux, Amy	Young, David		

and the motion failed.

Rep. Carol Moore did not vote and wished to be recorded in favor.

Rep. McGough did not vote and wished to be recorded against.

The question now being the adoption of the majority report.

Reps. Martin, Tuthill and Owen spoke against.

Rep. Loren Jean spoke in favor.

Rep. Hall spoke against and yielded to questions.

Rep. Scanlan spoke in favor and yielded to questions.

Rep. Musler requested a roll call; sufficiently seconded.

**YEAS 268 NAYS 88****YEAS 268****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Millham, Alida	Pilliod, James	Thomas, John	Turner, Robert
Wendelboe, Francine			

**CARROLL**

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	Torressen, Gary

**CHESHIRE**

Avery, Stephen	Blaisdell, Michael	DePecol, Benjamin	Hunt, John
Lerandeau, Alfred	Manning, Joseph	Meador, David	Pratt, Irene
Roberts, William	Robertson, Timothy	Rose, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
Toll, John, Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Harmon, Hobart	Hinman, Harry	Johnson, Gary	Marshall, Gene
Mirski, Paul	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien			

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Batula, Peter	Beaupre, Roland	Belvin, William	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Burkush, James	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Coughlin, Pamela	Craig, James	Daniels, Gary	Dawe, Eileen
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Goley, Jeffrey	Hansen, Herbert	Herman, Keith	Herman, Richard
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Jean, Loren

Johnson, Lionel  
LaRose, Richard  
Lessard, Rudy  
McCarty, Winston  
McGough, Tim  
Milligan, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Rowe, Robert  
Tate, Joan  
Wall, Nancy

Keye, Harvey  
Lasky, Bette  
Lozeau, Donnalee  
McColgan, Philip, Jr  
Melcher, Harold  
Moran, Edward  
O'Connell, Timothy  
Perkins, Paul  
Sarette, John  
Thulander, O Alan  
Withee, Dennis

Kurk, Neal  
Leishman, Peter  
MacGillivray, Jeffrey  
McDonald, James, Sr  
Mercer, Robert  
Mosher, William  
O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
Turgeon, Roland

L'Heureux, Robert  
Leonard, Peter  
Martel, Andre  
McDonough-Wallace, Alice  
Messier, Irene  
Murphy, Robert  
Ouellette, Dean  
Reeves, Sandra  
Simon, Anthony  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Davis, Francis  
Hess, David  
Marple, Richard  
Potter, Frances  
St Cyr, Gerard

Bouchard, Candace  
Feuerstein, Martin  
Langer, Ray  
Marshall, Kenneth  
Poulin, Dave  
Whalley, Michael

Brewster, Richard  
Fortnam, Janet  
Leber, William  
Maxfield, Roy  
Reardon, Tara  
Whittemore, James

Crosby, Toni  
Hager, Elizabeth  
Lockwood, Priscilla  
Nichols, Avis  
Soltani, Tony

### ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
Christie, Andrew, Jr  
Corbin, C David  
Dolan, Richard  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Putnam, Ed, II  
Sabella, Norma  
Stone, Joseph  
Verani, Giovanni  
Whittier, John

Arndt, Janet  
Blanchard, MaryAnn  
Clark, Martha  
Cox, Russell  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Hutchinson, Karen  
Katsakiores, Phyllis  
Letourneau, Robert  
Mikowski, Walter  
Nowe, Ronald  
Pantelakos, Laura  
Quandt, Marshall  
Sapareto, Frank  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Beaulieu, Jon  
Bridle, Russell  
Clark, Vivian  
Dalrymple, Janeen  
Downing, Michael  
Flanders, John, Sr  
Griffin, Mary  
Hutchinson, Rebecca  
Kobel, Rudolph  
Lovejoy, Marian  
Moore, Benjamin  
Noyes, Richard  
Pitts, Jacqueline  
Raynowska, Bernard  
Splaine, James  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Case, Margaret  
Cooney, Richard  
Dearborn, Bruce  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Johnson, Robert  
Langley, Jane  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Priestley, Anne  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Knowles, William  
Rollo, Michael  
Vincent, Francis

Bickford, David  
Dunlap, Patricia  
Lent, Donald  
Spear, Barbara  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Musler, George  
Taylor, Kathleen  
Woods, Phyllis

Callaghan, Frank  
Kaen, Naida  
Rogers, Rose Marie  
Torr, Franklin

### SULLIVAN

Burling, Peter  
Kibbey, David

Cloutier, John  
Leone, Richard

Flint, Gordon, Sr  
Robb-Theroux, Amy

Jones, Constance  
Young, David

### NAYS 88

### BELKNAP

Rice, Thomas

Rosen, Ralph

Salatiello, Thomas

Wood, Jane

**CARROLL**

Sullivan, P Judith

**CHESHIRE**Batchelder, Robert  
Mitchell, McKim  
Russell, RonaldBurnham, Daniel  
Pratt, JohnDoucette, Richard  
Richardson, BarbaraLynott, Margaret  
Riley, William**COOS**

Glimes, Sara

Landers, Dana

**GRAFTON**Copenhaver, Marion  
Weber, Phil

Guest, Robert

Hall, David

Nordgren, Sharon

**HILLSBOROUGH**Ahern, Richard  
Cote, David  
Gagnon, Paul  
Hall, Betty  
Lynde, Harold  
Moriarty, MaryBaroody, Benjamin  
Cote, Peter  
Garrish, Linda  
Konys, Christine  
Martin, Mary  
Reidy, FrankBergeron, Lucien  
Curran, James  
Gorman, Mary  
LaPorte, George  
McCarthy, William  
White, DonaldClemons, Jane  
Daigle, Robert  
Haettenschwiller, Alphonse  
Lefebvre, Roland  
Mendenhall, Leslie  
White, John**MERRIMACK**Chase, George  
Gile, Mary  
Owen, Derek  
Wallin, JeanDaneault, Gabriel  
Jacobson, Alf  
Rodd, Beth  
Wallner, Mary JaneFraser, Marilyn  
Kennedy, Richard  
Seldin, Gloria  
Yeaton, CharlesFrench, Barbara  
Moore, Carol  
Virtue, Carolyn**ROCKINGHAM**DiFruscia, Anthony  
Schanda, FrankGrant, Kenneth  
Shelton, RichardNorelli, Terie  
Vaughn, Charles

Rubin, George

**STRAFFORD**Brennan, William  
Heon, Richard  
Pelletier, Arthur  
Spang, JudithBrown, George  
Johnson, Nancy  
Pelletier, Marsha  
Tsiros, WilliamDomingo, Baldwin  
Keans, Sandra  
Smith, Marjorie  
Twardus, JosephGilmore, Gary  
Lundborn, Raymond  
Snyder, Clair  
Vachon, Dennis**SULLIVAN**Allison, David  
Wiggins, Celestine

Donovan, Thomas, Jr

McIntyre, Sara

Tuthill, John

and the majority report was adopted.

**HB 396**, establishing April 6 of each year as New Hampshire Tartan Day. **INEXPEDIENT TO LEGISLATE**

Rep. Sylvia A. Holley for Executive Departments and Administration: The State of New Hampshire is indeed enriched by its ethnic diversity. Our citizens celebrate these many traditions and cultures on a great number of "special days" sponsored by various ethnic organizations and groups. To legislatively single out any one specific culture would only cause misunderstanding. It is far better for the governor to have the honor and pleasure of issuing proclamations for special days, and the recipients to enjoy this special moment of recognition. Vote 11-3.

Rep. Eaton spoke against.

Rep. Holley spoke in favor and yielded to questions.

On a division vote, 265 members having voted in the affirmative and 86 in the negative, the report was adopted.

**SPECIAL ORDER**

**HB 342**, repealing certain laws pertaining to adverse possession. **INEXPEDIENT TO LEGISLATE**  
 Rep. James W. Craig for Judiciary: This bill was filed merely as a way of stressing its sponsor's primary bill (HB 465) regarding this matter. The sponsor's position in submitting this bill was to make the point that government is not affected by adverse possession but private citizens are. The sponsor asked that the committee find the bill ITL. Vote 16-0.

Rep. Craig yielded to questions.

Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 465**, prohibiting the application of the doctrine of adverse possession or prescription when boundary lines can be proven by a preponderance of the evidence. **INEXPEDIENT TO LEGISLATE**  
 Rep. James W. Craig for Judiciary: This bill seeks to do harm with the common law doctrines of adverse possession and prescription. These are longstanding legal doctrines which allow ownership of the property of another if that ownership is adverse, continuous and uninterrupted for a period of twenty years. This is basically a statute of limitations doctrine and since an owner has twenty years to remove the adverse possession, the committee did not see the need to change the law. Finally, some of the committee felt that this bill was introduced to address a specific incident. Vote 14-3.

Reps. Bickford, Varrell and Bruno spoke against.

Rep. Craig spoke in favor and yielded to questions.

Rep. Soltani requested a Quorum Count. The Speaker declared a quorum present.

Rep. Soltani spoke against and yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

Rep. Bickford requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 266 NAYS 87****YEAS 266****BELKNAP**

Boriso, Thomas  
 Lawton, Robert  
 Turner, Robert

Boyce, Robert  
 Millham, Alida  
 Wendelboe, Francine

Holbrook, Robert  
 Rosen, Ralph  
 Wood, Jane

Lawton, David  
 Thomas, John

**CARROLL**

Bradley, Jeb  
 Kenney, Joseph  
 Patten, Betsey

Chandler, Gene  
 Lyman, L Randy  
 Philbrick, Donald

Dickinson, Howard  
 MacDonald, Kenneth

Howard, Godfrey  
 Mock, Henry

**CHESHIRE**

Avery, Stephen  
 Hunt, John  
 Pratt, Irene  
 Rose, William  
 Zerba, Roger

Burnham, Daniel  
 Manning, Joseph  
 Pratt, John  
 Royce, H Charles

DePecol, Benjamin  
 McGuirk, Paul  
 Riley, William  
 Russell, Ronald

Doucette, Richard  
 Meader, David  
 Roberts, William  
 Smith, Edwin

**COOS**

Davis, Perley  
 Landers, Dana  
 Rodrigue, Robert

Guay, Lawrence  
 Mears, Edgar  
 Tholl, John, Jr

Hawkinson, Marie  
 Merrill, Gerald

Horton, Lynn  
 Pratt, Leighton

**GRAFTON**

Akins, Ralph  
 Dudley, Terri  
 Hinman, Harry  
 Picconi, Al

Alger, John  
 Eaton, Stephanie  
 Marshall, Gene  
 Scanlan, David

Almy, Susan  
 Guest, Robert  
 Nordgren, Sharon

Brothers, Richard  
 Harmon, Hobart  
 Phinney, William



**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Beaupre, Roland
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Buckley, Raymond	Burkush, James	Calawa, Leon, Jr	Chabot, Robert
Clegg, Robert, Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Daigle, Robert	Dawe, Eileen
Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Garrish, Linda	Goley, Jeffrey	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Herman, Keith	Herman, Richard
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	Martin, Mary	McCarthy, William	McCarty, Winston
McDonald, James, Sr	McGough, Tim	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Milligan, Robert	Mosher, William
Murphy, Robert	Nolan-Piteri, Dawn	O'Hearn, Jane	Pepino, Leo
Perkins, Paul	Peterson, Andrew	Reeves, Sandra	Reidy, Frank
Rowe, Robert	Sargent, Maxwell	Simon, Anthony	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy
White, John	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Crosby, Toni	Daneault, Gabriel	Davis, Francis
Feuerstein, Martin	Fortnam, Janet	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Langer, Ray	Lockwood, Priscilla
Marple, Richard	Moore, Carol	Nichols, Avis	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whalley, Michael
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Blanchard, MaryAnn	Case, Margaret
Christie, Andrew, Jr	Clark, Martha	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Lovejoy, Marian	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Norelli, Terie	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Raynowska, Bernard
Reardon, Neil	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Splaine, James	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Johnson, Nancy	Kaen, Naïda	Keans, Sandra	Lent, Donald
Lundborn, Raymond	Musler, George	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Vachon, Dennis	Vincent, Francis	Wall, Janet	

**SULLIVAN**

Allison, David  
 Flint, Gordon, Sr  
 Robb-Theroux, Amy

Burling, Peter  
 Jones, Constance  
 Tuthill, John

Cloutier, John  
 Kibbey, David  
 Wiggins, Celestine

Donovan, Thomas, Jr  
 Phinizy, James  
 Young, David

**NAYS 87****BELKNAP**

Czech, Stanley  
 Salatiello, Thomas

Johnson, James

Pilliod, James

Rice, Thomas

**CARROLL**

Babson, David, Jr

Sullivan, P Judith

Torresen, Gary

**CHESHIRE**

Batchelder, Robert  
 Mitchell, McKim

Blaisdell, Michael  
 Richardson, Barbara

Lerandeau, Alfred  
 Robertson, Timothy

Lynott, Margaret

**COOS**

Woodward, David

**GRAFTON**

Copenhaver, Marion  
 Johnson, Gary

Densmore, Jessica  
 Mirski, Paul

Gilman, G Michael  
 Ward, Brian

Hall, David  
 Weber, Phil

**HILLSBOROUGH**

Bruno, Pierre  
 Daniels, Gary  
 Jean, Loren  
 McDonough-Wallace, Alice  
 Ouellette, Dean

Carlson, Donald  
 Desrosiers, William  
 Lefebvre, Roland  
 Moran, Edward  
 Sarette, John

Christiansen, Lars  
 Drabinowicz, A  
 Lynde, Harold  
 Moriarty, Mary  
 White, Donald

Curran, James  
 Gorman, Mary  
 McColgan, Philip, Jr  
 O'Connell, Timothy

**MERRIMACK**

Bouchard, Candace  
 Jacobson, Alf  
 Marshall, Kenneth  
 Rodd, Beth

Brewster, Richard  
 Kennedy, Richard  
 Owen, Derek  
 Soltani, Tony

Chase, George  
 Larrabee, David, Sr  
 Potter, Frances

Fraser, Marilyn  
 Leber, William  
 Poulin, Dave

**ROCKINGHAM**

Beaulieu, Jon  
 Corbin, C David  
 Priestley, Anne  
 Shelton, Richard

Belanger, Ronald  
 Mikowski, Walter  
 Putnam, Ed, II  
 Varrell, Thomas

Bishop, Franklin  
 Nowe, Mary Lou  
 Quandt, Marshall  
 Vaughn, Charles

Bridle, Russell  
 Nowe, Ronald  
 Rubin, George  
 Verani, Giovanni

**STRAFFORD**

Bickford, David  
 Knowles, William  
 Spang, Judith

Brennan, William  
 Pelletier, Arthur  
 Tsiros, William

Gilmore, Gary  
 Pelletier, Marsha  
 Twardus, Joseph

Heon, Richard  
 Rogers, Rose Marie  
 Woods, Phyllis

**SULLIVAN**

Leone, Richard

McIntyre, Sara

and the report was adopted.

Rep. Bartlett did not voted and wished to be recorded in favor.

**HJR 5**, requiring the attorney general to bring suit or to join with other states bringing suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. **INEXPEDIENT TO LEGISLATE**

Rep. Martha S. Solow for Judiciary: The bill would require the Attorney General to bring suit against the US Government for enacting a military firearms ban. The committee believes the Attorney General has the power and authority to take this action without a resolution from the NH House. Testimony did not reveal a compelling reason to take this action. The bill does not address the cost of bringing suit. The committee finds that the federal assault weapons ban does not interfere with the right of the people of New Hampshire to keep and bear arms for purposes other than assault, nor does it affect persons who presently possess such weapons. The sponsor could not define what an assault weapon was and neither could the committee definitely conclude what firearms were intended to be addressed in the HJR. Vote 14-1.

Rep. Mirski spoke against.

Rep. Mock spoke in favor.

Adopted.

**HB 89-FN-A**, making an appropriation for a department of transportation study of the state house complex to evaluate space needs. **OUGHT TO PASS**

Rep. Leon Calawa, Jr. for Public Works and Highways: This bill is a study of the five buildings that make up the state house complex. They are the State House, State House Annex, Legislative Office Building, bank building and the State Library. The intent of the bill is to try to assess the needs of both the building and the space needs of state government, hopefully for over the next ten, twenty years or beyond. Interest has been shown by the State Library and the departments of Cultural Resources to move to the State Hospital grounds. The study should be done before a move is considered. We should look into the needs of the state complex in the coming future. Some of the questions we need to address are life safety, security, parking and air quality. Vote 15-0.

Adopted and referred to Finance.

**HB 621-FN-L**, reducing the tolls on New Hampshire highways by 25 cents. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: The committee received very passionate testimony from the citizens of Merrimack area for some relief from the tolls in Merrimack, which they consider oppressive and unfair to some to enter certain points. However, the statutory authority for setting tolls currently rests with the Governor and Council, and this bill does not address that issue. In addition, the loss of revenue is estimated at over 16 million dollars. The reduction would seriously jeopardize our bonds, which are revenue bonds, and reported to be 450 million outstanding. Should the state default, the bondholders could take over the turnpike system and such is estimated to occur within three years. Vote 16-1.

Rep. Arthur spoke against and yielded to questions.

Rep. Moriarty spoke against.

Rep. Edwin Smith spoke in favor.

Adopted.

**HB 274-FN**, relative to the office of the consumer advocate. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Roy D. Maxfield for Science, Technology and Energy This legislation is intended to improve the accountability in the Office of the Consumer Advocate. It establishes a four (4) year term for the advocate and provides for a Residential Ratepayers Oversight Committee to advise the advocate. The Governor and Council will select the consumer advocate candidate from a list of three nominees submitted by the newly established Residential Ratepayers Advisory Board. The majority of the committee feels that this selection process for future appointees will be bipartisan and in keeping with New Hampshire tradition. Vote 17-1.

Rep. Donald B. White for the Minority of Science, Technology and Energy: The sponsor is not comfortable with the Governor and Council as the body that will pass judgment regarding the appointment to the Office of Consumer Advocate based on recommendations made by the Residential Ratepayers Advisory Board. It is felt this will eventually politicize the Office of Consumer Advocate and thus affect the necessary complete independence of the appointee.

**Amendment (0280h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Compensation of State Officers; Salaries Established; Consumer Advocate. Amend RSA 94:1-a, I by inserting in group N the following:

Consumer advocate; public utilities commission.

2 Public Utilities Commission; Support Personnel to Commission; Office of the Consumer Advocate. Amend RSA 363:28, I to read as follows:

I. The office of the consumer advocate shall be an independent agency administratively attached to the public utilities commission pursuant to RSA 21-G:10. The office shall consist of the following:

(a) A consumer advocate, appointed by the ~~[attorney general]~~ **governor and council, from a list of 3 nominees submitted by the residential ratepayers advisory board or re-appointed by the governor and council upon recommendation of the residential ratepayers advisory board** who shall be ~~a full-time classified employee and~~ a qualified attorney admitted to practice in this state. **The consumer advocate shall serve a 4-year term and until a successor is appointed and qualified.**

(b) An assistant consumer advocate appointed by the ~~[attorney general]~~ **consumer advocate**, who shall be a full-time classified employee ~~[and a qualified attorney admitted to practice in this state].~~

(c) A secretary **appointed by the consumer advocate.**

(d) ~~[Two]~~ **Three** additional staff people~~[- who may be a rate analyst and an economist]~~ **appointed by the consumer advocate. When filling these positions, the consumer advocate should consider appointing rate analysts or economists.**

3 New Section; Public Utilities Commission; Support Personnel to Commission; Residential Ratepayers Advisory Board. Amend RSA 363 by inserting after section 28 the following new section:

363:28-a Residential Ratepayers Advisory Board.

I. There is established the residential ratepayers advisory board. The advisory board shall consist of the following public members:

(a) Three members appointed by the speaker of the house. One shall represent the interests of residential ratepayers; one shall represent the interests of the elderly; and one shall be a member of the public.

(b) Three members appointed by the senate president. One shall represent the interests of residential ratepayers; one shall represent the interests of the disabled; and one shall represent environmental concerns.

(c) Three members appointed by the governor and council. One shall represent the interests of persons of low income; one shall represent the interests of small business owners; and one shall represent the interests of residents of low-income housing.

II. Members shall serve 3-year terms. In the event of death or resignation of any member of the advisory board, the person or entity that made the original appointment shall appoint a successor, and the successor appointed to the vacancy shall serve for the remainder of the unexpired term. The members of the board shall receive no compensation but shall be entitled to reimbursement for mileage at the same rate provided for state employees.

III. The board shall elect annually a chairperson from among its membership.

IV. The board shall receive administrative support from the office of the consumer advocate.

V.(a) The board shall meet at least quarterly and at the call of the chairperson or 3 board members. The consumer advocate shall be present for all board meetings to inform the board of the actions of the office of the consumer advocate and to respond to the board's inquiries.

(b) The board shall advise the consumer advocate on matters concerning residential ratepayers.

(c) Prior to the expiration of the consumer advocate's term, the board shall recommend to the governor and council whether to reappoint the consumer advocate. If the board does not recommend reappointment or the governor and council do not accept the board's recommendation to reappoint, the board shall then nominate 3 persons to the governor and council to fill the position.

4 Initial Terms of Members of the Residential Ratepayers Advisory Board. The initial terms of members of the residential ratepayers advisory board established by this act shall be as follows: the members appointed by the speaker of the house shall serve for one year; the members appointed by the senate president shall serve for 2 years; and the members appointed by the governor and council shall serve for 3 years.

5 Applicability; Term of Consumer Advocate. The appointment of the consumer advocate holding the position on the effective date of this act shall expire on December 31, 2002. The consumer advocate on the effective date of this act shall become the unclassified consumer advocate at the salary step in group N which is not less than the consumer advocate's classified salary.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes the residential ratepayers advisory board to advise the office of the consumer advocate. This bill changes the appointing authority for the consumer advocate from the attorney general to the governor and council. This bill also adds a staff position in the office of the consumer advocate and provides that the consumer advocate shall serve a 4-year term.

Adopted.

Majority report adopted and referred to Finance.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Whittier moved that the House reconsider its action whereby it voted **HB 108-FN-A-L**, establishing a statewide education property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor, Inexpedient to Legislate.

Reps. Whittier, Robertson, Sapareto and Sabella spoke in favor.

Reps. Vaillancourt and Corbin spoke against.

On a division vote, 55 members having voted in the affirmative and 291 in the negative, reconsideration failed.

### REGULAR CALENDAR (CONT'D.)

**HB 260-FN-A**, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Irene A. Pratt for Children and Family Law: The committee was concerned with the establishment of a new marital commission pilot program at a time when the Family Court Pilot Program is in implementation stages. It appeared to represent a duplication of effort. The Family Court Pilot Model evaluations have documented financial and human cost benefits. Vote 15-0.

Rep. Jacobson spoke against and yielded to questions.

Rep. Irene Pratt spoke in favor.

Adopted.

**HB 206**, relative to restrooms in restaurants **OUGHT TO PASS WITH AMENDMENT**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The intent of this bill, as amended by the committee, is to give the Commissioner of Health and Human Services the authority to waive requirements for toilet facilities in establishments where food is served. This would be for good cause shown, provided the business is unable to comply because of zoning requirements or historic site restrictions or the applicant can show the law would cause substantial hardship. The Health and Human Services committee supports this sensible, public health policy. Vote 14-0.

### Amendment (0236h)

Amend the bill by replacing all after the enacting clause with the following:

1 Public Safety and Welfare; Places of Public Accommodation; Toilet Facilities Where Food is Served; Waivers. Amend RSA 155:40 to read as follows:

155:40 Toilet Facilities To Be Provided for Restaurants, etc.

*I. All places where the business of serving food to the public is conducted shall be equipped with toilet and lavatory facilities convenient of access for the use of patrons. Separate toilet rooms for each sex shall be provided for patrons of any restaurant designed to seat 25 or more patrons at one time or for patrons of any food establishment where alcoholic beverages are served. **The commissioner of the department of health and human services shall have the authority to waive the requirements of this section, for good cause shown, provided the business is unable to comply with this section because of zoning requirements or historic site restrictions, and the applicant can show that the requirements of this section would cause substantial hardship.***

**II.** The provisions [hereof] of this section shall not apply to mobile lunch carts or be construed to require roadside stands or so-called drive-ins, serving food to the public, to provide toilet facilities for patrons where seating facilities within the building are not available.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services to waive the toilet facilities requirements for restaurants under certain circumstances.

Rep. Emerton spoke in favor.

Adopted.

Rep. Copenhagen offered a floor amendment.

#### Floor Amendment (0446h)

Amend the bill by replacing all after the enacting clause with the following:

1 Public Safety and Welfare; Places of Public Accommodation; Toilet Facilities Where Food is Served; Waivers. Amend RSA 155:40 to read as follows:

155:40 Toilet Facilities To Be Provided for Restaurants, etc.

**I.** All places where the business of serving food to the public is conducted shall be equipped with toilet and lavatory facilities convenient of access for the use of patrons. Separate toilet rooms for each sex shall be provided for patrons of any restaurant designed to seat 25 or more patrons at one time or for patrons of any food establishment where alcoholic beverages are served. *The commissioner of the department of health and human services shall have the authority to waive the requirements of this section for such businesses having 5 or fewer seats, for good cause shown, provided the business is unable to comply with this section because of zoning requirements or historic site restrictions, and the applicant can show that the requirements of this section would cause substantial hardship.*

**II.** The provisions [hereof] of this section shall not apply to mobile lunch carts or be construed to require roadside stands or so-called drive-ins, serving food to the public, to provide toilet facilities for patrons where seating facilities within the building are not available.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services to waive the toilet facilities requirements for restaurants having 5 or fewer seats under certain circumstances.

Rep. Karen Hutchinson spoke against and yielded to questions.

Reps. Copenhagen and Haettenschwiller spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

**CACR 1**, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary: The committee is concerned because this bill has the effect of blurring the separation of powers. Just as the legislature sets and adopts its own rules, the court proposes and adopts its rules for the conduct of business within the court system. There are many people who are angry with particular rulings passed by the court. That feeling is often confused with rules. Chief Justice Brock has testified to the committee that he has a panel working on areas in which the court has had complaints. The intention is for more "sunshine" in the process. Vote 13-2.

Rep. Marple spoke against.

Rep. Wiggin spoke in favor.

Adopted.

**HB 278**, relative to scheduling of district court sessions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: This bill was the product of an interim study during the last session of the legislature. The purpose of the bill is to expand court days and hours so as to be more convenient to the public. Many citizens must lose a day's pay to attend a court session. The bill has been established to meet this need at no additional expense to the court system by allowing the

administrator of the district courts to establish flexible court hours including night court, if warranted. The bill also mandates that the administrative judge of the district courts report annually on the progress of implementing this law. Vote 14-1.

### Amendment (0157h)

Amend RSA 502-A:2 as inserted by section 1 of the bill by replacing it with the following:

#### 502-A:2 Sessions in Towns Within District.

**I.** The purpose of the establishment of this system of district courts is to provide the minimum number of courts which will adequately serve the convenience of the public, both transient and permanent residents of this state. To accomplish this purpose, districts must serve certain towns within their district having regard for the parties, the seasonal influx of population in certain areas, and such other considerations as the expeditious and effective administration of justice may require. In addition to the regular sessions which are required to be held in various districts under the provisions of this chapter, ***or in replacement of a portion of regular sessions***, the justice or special justice of each district ~~[may]~~ ***shall*** hold special sessions in such localities within their respective district and at such times as may best serve the convenience of the communities within their district, provided, however, that no such special session shall be held in any building which does not meet the minimum standards prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

**II.** *The administrative judge of the district courts shall have the authority to and shall, on an annual basis, establish the number of court sessions and the hours and days of operation required for each district court. The administrative judge shall consider the convenience of each court's users, caseload, resources, and security. Each court shall submit a plan for flexible scheduling to the administrative judge that meets the needs of the community served by that court which may include evening, early morning, and/or weekend sessions and other alternative sessions. In evaluating the community need for alternative sessions, the administrative judge and local courts shall evaluate separately civil suits, small claims, order of notice, motor vehicle matters, and criminal cases to determine the needs of the community. The administrative judge shall file an annual report on the progress of implementing flexible schedules in the district courts with the chairpersons of the house and senate judiciary committees on or before November 1 of 2000, 2001, 2002, and 2003.*

**III.** *Any plan developed and instituted under paragraphs I and II shall not necessitate additional local expenditures by any political subdivision in accordance with part I, article 28-a of the New Hampshire constitution.*

### AMENDED ANALYSIS

This bill requires the administrative judge of the district courts to establish, on an annual basis, the number of sessions and the days and hours of operation required for each district court. Each court is required to have a schedule, which may include evening, early morning, or weekend sessions, which meets the needs of the community served by that court. The administrative judge of the district courts is required to file an annual report on the progress of implementing flexible schedules in the district courts with the chairpersons of the house and senate judiciary committees for a 4-year period.

Adopted.

Rep. Soltani moved Re-commit to Committee and spoke in favor.

Rep. Rowe spoke against and yielded to questions.

Rep. Mirski spoke in favor and yielded to questions

Rep. Bergin spoke against.

The motion to Re-commit failed.

Report adopted and referred to Finance.

Rep. Burling declared a conflict of interest and did not participate.

**HB 501-FN-A**, relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton, and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Candace White Bouchard for Public Works and Highways: The committee recognizes this is a rare and historic project, but felt it is a local community project. There are many worthwhile projects such as these throughout the state, and the committee felt this would be setting a precedent. Vote 12-4.

Rep. Kennedy spoke against.

Rep. Edwin Smith spoke in favor.

Rep. Edwin Smith moved Re-commit to Committee.

Adopted.

**HB 655-FN-A**, making an appropriation from the highway fund to pay the interest and principal on bonds issued for the Cheshire Bridge. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Daigle for Public Works and Highways: The committee is well aware of the issues that arise out of this issue, however, we feel that HB 279 is a vehicle to address this matter. Vote 13-3.

Adopted.

**HB 629**, relative to establishing weekly "no hunting" days. **INEXPEDIENT TO LEGISLATE**

Rep. Richard P. Brewster for Wildlife and Marine Resources: The committee appreciates the concerns of the land owners. However, the loss of revenue to the hospitality industry, especially the concern for possible loss of out of state long weekend hunters makes this bill prohibitive. The closing one day a week plus the fact it is not always on the same day is open to confusion. This also takes 48 days out of the hunting season. Vote 15-0.

Rep. Riley spoke against and yielded to questions.

Rep. Abbott spoke in favor and yielded to questions.

Rep. Riley moved Re-commit to Committee and spoke in favor.

Rep. L'Heureux spoke against.

On a division vote, 27 members have voted in the affirmative and 286 in the negative, the motion failed.

Report adopted.

## RESOLUTION

Rep. Lozeau offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 25, 1999 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 324**, repealing certain grounds for granting a divorce for cause.

**HB 420**, relative to orders for spousal support in domestic relations cases.

**HB 357**, establishing a committee to study and investigate issues related to investigations, trials, convictions, and sentencing of sex offenders.

**HB 513**, relative to approved permissible fireworks.

**HB 250**, relative to authorized regional enrollment area schools.

**HB 78**, relative to the counting of votes when the moderator is disqualified.

**HB 292**, relative to ballot procedures for constitutional amendments.

**HB 288**, relative to the committee to study land management, protection of farmland, rural character, environmental quality and sprawl.

**HB 291**, establishing a study committee for seed sterilization technology or "terminator" technology.

**HB 307**, establishing a committee to study the negotiated risk agreements when patients desire to remain in a facility over the recommendations of the department of health and human services.

**HB 270**, relative to persons not competent to stand trial.

**HB 515**, extending the indemnification of persons providing clinical services to the department of health and human services.

**HB 261-L**, relative to the official ballot option.

**HB 490**, enabling cities to permit the mayor to vote at city council meetings.

**HB 355**, relative to the dredging of harbors and channels.



**HB 431**, establishing a committee to study methods and processes necessary to retain the traditional uses of White Mountain National Forest land, the impact of any change in designation, and relative to promoting the continual multiple use management of such land.

**HR 9**, urging the federal government to make full funding of the Land and Resource Management Plan its highest priority regarding its ownership and management of the White Mountain National Forest.

**HCR 6**, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

**HB 418**, relative to accounts and reporting dates of certain funds in the fish and game department.

**HB 520**, relative to an open season for chukar partridge.

**HB 710-FN**, relative to expanding the availability of lifetime licenses for hunting and fishing.

**HB 67**, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses.

**HB 90**, removing the prohibition on adoption and foster parenting by homosexual persons.

**HB 223**, relative to waiver of filing fees and petitions for candidates for federal offices.

**HB 229**, changing the registration fee requirement of the commercial feed law.

**HB 238-FN-A**, allowing the production and sale of American ginseng in the state of New Hampshire and making an appropriation therefor.

**HB 206**, relative to restrooms in restaurants.

### UNANIMOUS CONSENT

Rep. Sabella addressed the House.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:10 p.m.

### RECESS

#### (Rep. Chandler in the Chair)

The Committee on Enrolled Bills has examined and found correctly enrolled House bill numbered 54.

Rep. Ronald Nowe. Sen. D'Allesandro for the Committee

### RECESS

#### (Rep. Whalley in the Chair)

### RESOLUTION

Rep. John Flanders offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 736 and House Concurrent Resolution numbered 12, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILL and HCR

#### First, second reading and referral

**HB 736**, ratifying the 1999 Allenstown annual town meeting. (Daneault, Merr 12; Lavoie, Merr 12; F. Davis, Merr 12; Fortnam, Merr 12: Municipal and County Government)

**HCR 12**, urging the United States Congress to enact legislation which prohibits the federal government from recouping state tobacco settlement funds. (M. Smith, Straf 8; Kurk, Hills 5; Emerton, Hills 7; Burling, Sull 1; Chandler, Carr 1: Finance)

### RECESS

#### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 10

Thursday, March 25, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the podium for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Bradley J. Bergfalk from the Concord Covenant Church.

God of order over the big and little things of our lives, help us to discriminate between that which we should rush and that which takes time. Give us the courage to recognize when part of the confusion we face is brought on by our own inability to prioritize that which is important over that which is trivial. Help us place the significant and insignificant in their rightful places so we may live today with a sense of freedom we have never experienced before. Oh, and Lord, this holds true for the work we embark on here today. Amen.

Rep. Gile led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. David Cote, Courchesne, DePecol, Drabinowicz, Durham, Fenton, Eugene Gagnon, Golden, McRae, Searles and Carol Williams, the day, illness.

Reps. Bishop, Peter Cote, Doucette, Eaton, David Flanders, Paul Gagnon, Goley, Claudette Jean, Mendenhall, Musler, Nordgren, O'Keefe, Marsha Pelletier, Nolan-Piteri, Edwin Smith, Tsiros, Weatherspoon and Zerba, the day, important business.

Reps. Fields, McColgan and Whittier, the day, death in the family.

Rep. MacNeil, the day, illness in the family.

### INTRODUCTION OF GUESTS

Barbara Brewster, wife of Rep. Brewster. Aimee Lynn and Amanda Merrill, granddaughters of Rep. Merrill. Lynda Horsley, guest of Rep. Hunt. Ric Franks, husband of Rep. Franks. Polly Curran, wife of Rep. Curran. Robert Hull, brother of Rep. Richardson.

### SPECIAL GUESTS

The boys soccer team from Belmont High School and the Nashua High School girls basketball team, guests of the House.

### SUSPENSION OF RULES

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit consideration at the present time, without the required notice, of **HB 734-FN-L**, relative to establishing a voluntary school contribution program in support of local school districts.

Adopted by the necessary two-thirds.

### CONSIDERATION OF HB 734

**HB 734**, relative to establishing a voluntary school contribution program in support of local school districts. **OUGHT TO PASS WITH AMENDMENT**

Rep. David W. Hess for Municipal and County Government: This bill, as amended, reflects the collective, collaborative effort of the House leadership and the House Democratic leadership to address two of the most serious uncertainties which our schools and teachers will face if the April 1 Claremont II deadline approaches and passes without adoption of a final legislative response. Section 1 of the bill authorizes state guarantees for "TANs" – (tax anticipation notes) which a number of our municipalities may have to issue in order to cover the costs of public education for the remainder of this school year. This bill enables all municipalities to obtain such a state guarantee if they can demonstrate a compelling need for that guarantee to both the Legislative Fiscal Committee and the Governor and Council. Section 2 of the bill extends the statutory deadline by which school districts must provide their teachers with non-renewal notices as a result of the uncertainty

arising out of Claremont II from April 15, 1999 to May 15, 1999. This section, however, applies only to those school districts which do not have a specific, non-renewal notice date in their collective bargaining agreements with teachers. It also applies only to calendar year 1999. With the agreement of the prime sponsor, that portion of the original bill authorizing municipalities to accept and spend voluntary contributions for public education in lieu of school taxes has been retained by this Committee for further study and refinement. The Committee expects to report it out in amended form later in the session. Vote 18-0.

### Amendment (0543h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to state guarantees of tax anticipation notes issued by municipalities; and relative to teacher non-renewals for the 1999-2000 school year.

Amend the bill by replacing all after the enacting clause with the following:

#### 1 State Guarantee.

I. Any municipality faced with a compelling need to borrow in anticipation of taxes may petition the fiscal committee for a state guarantee of the principal and interest thereon of such tax anticipation notes. The state guarantee shall then be limited to the amount approved by the legislative fiscal committee and by the governor and council. Notwithstanding the provisions of RSA 33:7 and in view of the general public benefits expected to be derived from the uninterrupted operation of local government, the fiscal committee and the governor and council may award a state guarantee of the principal and interest thereon of tax anticipation notes. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest. The governor, with the advice and consent of the council, is authorized to draw a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed note by an endorsement signed by the state treasurer.

II. In connection with the award of a state guarantee, the fiscal committee and the governor and council may impose such terms and conditions as they may deem appropriate concerning the notes and reimbursement to the state. Such terms and conditions shall be contained in an agreement between the state and the municipality, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the municipality by its duly authorized treasurer or finance director.

2 Notice Provisions; Temporary Suspension. For the 1999-2000 school year, the provisions of RSA 189:14-a are hereby suspended only as such provisions may be applied to school districts with no specific non-renewal notice date in the existing teacher's contract. This suspension is limited to those decisions to non-renew teachers resulting from uncertainty as to the level of state funding for education. The suspension set forth in this section shall terminate on May 15, 1999.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

The bill also allows municipalities to petition the legislative fiscal committee and the governor and council, based upon a compelling need, for state guarantees on tax anticipation notes.

The bill also specifies that the provisions of RSA 189:14-a relative to notice of teacher non-renewals resulting from uncertainty as to the level of state funding for education shall be temporarily suspended.

Adopted.

Rep. Hess spoke in favor and yielded to questions.

Rep. Burling spoke in favor.

Report adopted and ordered to third reading.

### SUSPENSION OF RULES

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **HB 734-FN-L**, relative to state guarantees of tax anticipation notes issued by municipalities; and relative to teacher non-renewals for the 1999-2000 school year.

Adopted by the necessary two-thirds.

**MOTION ON HB 734**

Rep. Chandler moved that **HB 734-FN-L**, relative to state guarantees of tax anticipation notes issued by municipalities; and relative to teacher non-renewals for the 1999-2000 school year, be read a third time and passed.  
Adopted.

**Third reading and final passage**

**HB 734-FN-L**, relative to state guarantees of tax anticipation notes issued by municipalities; and relative to teacher non-renewals for the 1999-2000 school year.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 436-L**, relative to uncompensated public service by prisoners, removed by Rep. Heon.

**HB 708-FN-L**, transferring the county attorneys' offices and the county sheriffs' offices to the department of justice and the unified court system, respectively, removed by Rep. Jacobson.  
Consent Calendar adopted.

**HB 441**, relative to a mother's right to breast-feed. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Thomas I. Arnold, Jr. for Children and Family Law: After exhaustive discussion of breast feeding of children, this committee amended the complex bill to a simple statement that breastfeeding does not constitute indecent exposure and that restricting the right of a mother to breastfeed her child is discriminatory. Vote 13-0.

**Amendment (0415h)**

Amend the bill by replacing section 2 with the following:

2 New Section; Breast-feeding. Amend RSA 132 by inserting after section 10-c the following new section:

132:10-d Breast-feeding. Breast-feeding a child does not constitute an act of indecent exposure and to restrict or limit the right of a mother to breast-feed her child is discriminatory.

**AMENDED ANALYSIS**

This bill sets forth the right of a mother to breast-feed her child in public.

**HB 567**, encouraging alternative dispute resolution in certain domestic relations and CHINS proceedings. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia A. Dowling for Children and Family Law: The committee believes this bill to be unnecessary because judges are now encouraging alternative methods of dispute resolution. The committee has in its possession other bill(s) which encompass this subject. Vote 12-0.

**HB 571**, relative to joint legal and physical custody of children. **RE-REFER TO COMMITTEE**  
Rep. Edward P. Moran for Children and Family Law: The committee decided that since the bill deals with the spectrum of parental responsibilities, given the issues involved, it would be prudent to have an extended time frame to work on the bill. Vote 13-0.

**HB 607**, relative to the contents of the certificate of divorce. **INEXPEDIENT TO LEGISLATE**  
Rep. Laura C. Pantelakos for Children and Family Law: The committee felt it would be very hard to determine the exact number of hours a child spends with each parent. Also it would be very costly for the courts to keep these statistics. Vote 12-0.

**HB 628**, relative to the relocation of the principal residence of a child. **RE-REFER TO COMMITTEE**  
Rep. David A. Bickford for Children and Family Law: The committee chose to study this bill along with HB 571. The bills deal with joint custody and relocating children. Vote 13-0.

**HB 56**, establishing a procedure for reinstating corporate charters that have been expired for more than 3 years. **OUGHT TO PASS**  
Rep. Tara G. Reardon for Commerce: This bill establishes a procedure by which the Office of the Secretary of State can reinstate corporate charters that have expired. In the absence of this procedure, only the Legislature can accomplish the reinstatement. Vote 17-0.

**HB 82**, establishing a committee to study financial arrangements among hospitals, physicians, and insurance companies. **OUGHT TO PASS**

Rep. Martha Fuller Clark for Commerce: The support for this study committee was unanimous both in the public hearing and on the committee. In this area of constantly changing health care services and policy, it is essential to clarify the Legislature's understanding of the interrelationship, financial and otherwise, among hospitals, physicians and insurance companies. Public testimony urged the study committee to look specifically at four separate areas of concern: 1) study hospital endowments and reserves from 1992 to the present; 2) uncompensated care; 3) profit and loss by reimbursement from medicaid, indemnity and self-pay; and 4) the feasibility of disclosure of service charges for self-pay. Vote 16-0.

**HB 205**, relative to the requirement for posting of bond by an applicant for a writ of replevin. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill updates the current law regarding a writ of replevin and security therefor. The prior requirement for posting a bond, which is difficult and expensive to obtain, is being replaced by other forms of security acceptable to the court. Vote 18-0.

### **Amendment (0283h)**

Amend the bill by replacing sections 1 and 2 with the following:

1 Sureties in Replevin Cases. Amend RSA 536-A:7 to read as follows:

536-A:7 ~~[Bond]~~ **Security.**

*I. A writ of replevin shall not issue at any stage of the proceedings until the applicant has filed with the court a written undertaking executed by the applicant and **secured by a proper assignment or conveyance** of one or more sufficient ~~[sureties]~~ **securities**, approved by the court, in an amount of double the value of the property, as determined by the court, to prosecute ~~[his]~~ **the applicant's** action to completion and, alternatively, for the return of the property to the defendant, if return thereof be ordered, and for the payment to the defendant of any sum as may from any cause arising out of the action be recovered against the applicant.*

*II. For purposes of this section, **securities may include, but shall not be limited to, bonds, letters of credit, security interests, or cash in a form and amount acceptable to the court.***

2 Sureties in Replevin Cases; Retention of Property Upon Filing Security. Amend RSA 536-A:14 to read as follows:

536-A:14 Retention of Property Upon Filing ~~[Bond]~~ **Security.**

*I. At any time prior to the hearing of the order to show cause, or before the delivery of the property to the plaintiff, the defendant may require the return thereof upon filing with the court a written undertaking executed by **the defendant and secured by a proper assignment or conveyance** of one or more sufficient ~~[sureties]~~ **securities**, approved by the court, to the effect that ~~[they are]~~ **the defendant shall be** bound in double the value of the property, as stated in the verified complaint of the applicant, or as determined by the court, for the delivery thereof to the applicant and for the payment to ~~[him]~~ **the applicant** of such sum as may for any cause be recovered against the defendant. At the time of filing such undertaking, the defendant shall serve upon the applicant or ~~[his]~~ **the applicant's** attorney a notice of filing of such undertaking, to which a copy of such undertaking shall be attached, and shall cause proof of service thereof to be filed with the court. If such undertaking be filed prior to hearing of the order to show cause, proceedings thereunder shall terminate, unless exception is taken to the ~~[sureties]~~ **adequacy or sufficiency of the securities**. If, at the time of filing of such undertaking, the property shall be in the custody of the levying officer, such property shall be redelivered to the defendant ~~[five]~~ **5** days after service of notice of filing such undertaking unless objected to by the applicant or ~~[his]~~ **the applicant's** attorney.*

*II. For purposes of this section, **securities may include, but shall not be limited to, bonds, letters of credit, security interests, or cash in a form and amount acceptable to the court.***

**HB 330**, relative to changing the name of the lienholder or mortgage holder on title insurance when refinancing a home. **INEXPEDIENT TO LEGISLATE**

Rep. Sheila T. Francoeur for Commerce: The intent of this bill was to restrict fees for title insurance when refinancing a home. However, as title insurance does not look to the future, but rather to the past, the committee felt that this bill would offer no protection to the lender. The secondary market is an important feature in today's financing market and secondary markets require new title insurance. Vote 16-0.

**HB 339**, requiring consumer reporting agencies to provide annually to the consumer a free copy, upon request, of a consumer report. **INEXPEDIENT TO LEGISLATE**

Rep. Toni M. Crosby for Commerce: Credit bureaus currently provide free credit reports to consumers who are on welfare, are victims of fraud, who are unemployed and who have been denied credit within the past sixty days. The committee feels that \$8.00 is a reasonable amount for credit bureaus to charge consumers for their credit reports under normal circumstances. Vote 15-0.

**HB 351**, relative to liability for property taxes on manufactured housing when the manufactured housing is moved. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis P. Vachon for Commerce: The committee is reluctant to place reporting requirements on the owners of manufactured housing parks with respect to manufactured housing units they do not own and for which the park owner should not incur any liability for real estate taxes. Vote 15-0.

**HB 372**, amending the bond issuing powers of the business finance authority. **INEXPEDIENT TO LEGISLATE**

Rep. James C. Curran for Commerce: This bill involves the financial relationship and interaction among the Business Finance Authority (BFA), the New Hampshire Higher Educational and Health Facilities Authority (NHHEHFA) and the New Hampshire Higher Education Loan Corporation (NHHELCO). The BFA sought authorization to issue bonds for student loan programs, an authority now reserved to NHHEHFA. NHHELCO, which uses the proceeds of NHHEHFA bond sales to make student loans, expressed its neutrality as to the merits of the change, while NHHEHFA was opposed. The underlying issue of importance to the BFA was the loss of bond issuance fees it experiences when it allocates tax-exempt bond volume cap to NHHEHFA for student loan programs. After discussion and at the committee's urging, the three parties agreed on a formula whereby BFA will increase cap volume allocation for student loan bonds from \$25 million to \$45 million in return for a small fee. In view of this new arrangement, the bill is now unnecessary. Vote 12-0.

**HB 422**, relative to advertising by rent-to-own businesses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Dennis P. Vachon for Commerce: The amendment addresses the sponsor's concerns that certain rent-to-own advertising was avoiding the disclosure requirements of RSA 358-P through a dubious interpretation of the language by clarifying that the statute applies to each advertising, which refers to initial and final payments as well as possible payments, and with respect to any item not just a specific item. Vote 12-2.

#### **Amendment (0359h)**

Amend the bill by replacing section 1 with the following:

1 Trade and Commerce; Rent-to-Own Agreement Act; Advertising; Dollar Amount of Periodic Payment Deleted. Amend RSA 358-P:5 to read as follows:

358-P:5 Advertising.

I. If an advertisement for a rent-to-own agreement refers to or states the dollar amount of [~~a periodic payment for a specific~~] *an initial, periodic, or final payment for any* item and refers to or states the right to acquire ownership of the item, then for such item the advertisement shall also clearly and conspicuously state the following:

(a) That the transaction advertised is a rent-to-own agreement.

(b) The total number and total amount of periodic payments necessary to acquire ownership.

(c) That the consumer acquires no ownership rights unless the total amount necessary to acquire ownership is paid.

II. Any owner or personnel of any medium in which an advertisement appears or through which it is disseminated shall not be liable under this section.

III. The provisions of paragraph I of this section shall not apply to an advertisement which does not refer to or state the amount of any payment, or which is published in the yellow pages of a telephone directory or in any similar directory of business.

IV. Every item displayed or offered under a rent-to-own agreement shall bear a tag or card that clearly and conspicuously indicates in Arabic numerals each of the following:

(a) The cash price of the item.

(b) The amount of the periodic payment.

(c) The total number and total dollar amount of periodic payments necessary to acquire ownership.

## AMENDED ANALYSIS

This bill expands the restrictions on advertising by rent-to-own businesses to include advertisements that refer to a dollar amount of an initial, periodic, or final payment.

**HB 517**, relative to insurance coverage for alcoholism treatment. **INEXPEDIENT TO LEGISLATE**  
Rep. Keith R. Herman for Commerce: The sponsor testified at the public hearing that the issues contained in this bill are better addressed in another piece of legislation. In addition, treating alcoholism as a separate disease from all other diseases goes against the intent of the sponsor. The sponsor requested this bill be withdrawn. Vote 13-0.

**HB 638-FN**, authorizing a limited license for certain travel agents. **OUGHT TO PASS**  
Rep. Stephen G. Avery for Commerce: This bill authorizes the insurance commissioner to issue a limited license to ticket selling travel agents and other representatives of common carriers to sell travel insurance policies to their customers. These are short-term nonrenewable policies that include accident, baggage insurance and cancellation coverage. Current law requires the travel agents to take the same test that all insurance agents must take. Vote 13-0.

**CACR 24**, relating to county attorneys. Providing that county attorney positions be abolished. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy N. Robertson for Criminal Justice and Public Safety: The only testimony in favor of the bill was from the sponsor. Basically, this bill would be a start to abolishing county government beginning with the county attorney. Each county has a unique personality and point of view and the committee seemed to be in favor of maintaining this. There is no body of information that would indicate what effects wholesale or even partial dismantling of county government might have. Vote 12-0.

**HB 713-FN**, relative to penalties for multiple DWI offenses. **RE-REFER TO COMMITTEE**  
Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill revises the penalties for repeat DWI offenders to include interlock systems on car ignitions and home detention for motor vehicle offenses involving alcohol. The committee and sponsor agreed that this bill needed additional work. Vote 15-0.

**HB 729**, adding social clubs recognized by the Internal Revenue Service to the definition of "charitable organization" for purposes of the laws governing raffles. **OUGHT TO PASS**  
Rep. Robert M. Fesh for Criminal Justice and Public Safety: This bill adds social clubs as recognized by the Internal Revenue Service to the definition of "Charitable organization" for purposes of the laws governing raffles. It will allow fish and game clubs to conduct raffles that have been in existence for at least 2 years and are organized under the laws of this state. Vote 13-0.

**HB 311-FN-A**, relative to grants made under the New Hampshire incentive program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Warren Henderson for Education: As amended, this bill makes part-time students who are state residents eligible to receive certain education grants. Part-time students, including those holding down jobs and those raising families, are often among those most needing assistance. Including them among those eligible to receive education grants seems to be a matter of simple equity. The bill also increases state funds available to the grant program by \$750,000 in fiscal year 2000 and again in fiscal year 2001. The amendment allows the Post Secondary Commission to determine who shall receive the grant without specifying what level of the post-secondary institution the applicant is attending. Vote 15-0.

**Amendment (0326h)**

Amend the bill by replacing section 1 with the following:

I New Paragraph; New Hampshire Incentive Grant Program; Eligibility of Part-Time Students.  
Amend RSA 188-D:13 by inserting after paragraph VII the following new paragraph:

VIII. Part-time students who are residents of this state and who have satisfied the application requirements established by the postsecondary education commission shall be eligible to receive grants in accordance with the provisions of this section.

## AMENDED ANALYSIS

This bill permits part-time students to be eligible for grants made under the New Hampshire incentive grant program and increases the appropriation to the program for the fiscal years ending June 30, 2000 and June 30, 2001.

Referred to Finance.

**HB 404**, establishing a committee to study the implementation of a means-testing grant program within the university system of New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Clair A. Snyder for Education: This bill would establish a committee to study the implementation of a means-testing grant program within the university system of New Hampshire. Since many students rely on loans, they graduate with large debt. This happens even when USNH awards approximately \$25 million in financial aid. Only if state aid were increased would money be available to lessen the student's debt at graduation. The committee objected to the study because the duty to analyze the financial and economic impact to means test a grant formula should be addressed to the Legislative University Oversight Committee. Vote 12-0.

**HB 428**, relative to school administrative units. OUGHT TO PASS WITH AMENDMENT

Rep. John Alger for Education: This bill was necessary to clarify the requirement for a public hearing on plans for organization of an SAU. The committee amended the bill to require notice of any public hearing at least 14 days ahead of the meeting. Vote 16-0.

## Amendment (0278h)

Amend RSA 194-C:2, VI as inserted by section 1 of the bill by replacing it with the following:

VI. In accordance with RSA 194-C:2, III(e) and V(b), the planning committee shall submit a copy of the proposed plan to the several school districts within the existing school administrative unit and shall hold [a] ~~at least one~~ public hearing ~~[at least 60 days]~~ **no less than 14 days** prior to submission to the state board. Within 60 days, the state board of education shall review the proposed plan for administrative structure to determine whether or not the proposed plan contains the services described in RSA 194-C:4. Each plan shall also include an educational and fiscal analysis of the impact on all remaining districts and the disposition of school administrative unit assets. If, in the opinion of the state board, all services have been properly addressed, the state board shall recommend for or against its adoption. If, in the opinion of the state board, all services have not been properly addressed, the deficiencies shall be noted and the plan shall be promptly returned for revision. When the plan is resubmitted, the state board of education shall promptly return the plan and make a recommendation for or against its adoption. This recommendation shall be reported to the legislative body of the district. The state board shall not have veto power over any plan once it is resubmitted to the state board by the planning committee.

## AMENDED ANALYSIS

This bill replaces the requirement that a public hearing on the plan to form a school administrative unit be held at least 60 days prior to the planning committee's submission of the plan to the state board of education with a requirement that the planning committee hold a hearing no less than 14 days prior to submission of the plan. The bill also makes a technical correction to the law relating to voting by members of the joint board of school administrative units by correcting a cross-reference to a repealed provision of law.

This bill is a request of the department of education.

**HB 488**, relative to the definition of certain disabilities in the provision of special education services. OUGHT TO PASS WITH AMENDMENT

Rep. Susan B. Durham for Education: As amended, this bill expands, to age nine, the age for the category "developmentally delayed" and therefore, the word "pre-school" needed to be eliminated. Some children catch up on the developmental delays and would not need continued special education. This legislation is compliant with IDEA. Vote 15-0.

## Amendment (0370h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of a developmentally delayed child in the provision of special education services.



Amend the bill by replacing section 1 with the following:

I Special Education; Definition of "Developmentally Delayed Child." Amend RSA 186-C:2, I-a to read as follows:

I-a. "Developmentally delayed child" means a [~~preschool~~] child between 3 and [5] 9 years of age, who, because of impairments in development, needs special education or special education and educationally related services, may be identified as being developmentally delayed provided that such a child must first be determined to have an educationally disabling condition as defined in RSA 186-C:2, I.

#### AMENDED ANALYSIS

This bill expands the definition of a developmentally delayed child to include children aged 3 through 9 years.  
Referred to Finance.

**HB 590-L**, relative to the use by a school district of proceeds from an educational trust fund. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth K. Hoadley for Education: The committee believes it would be difficult (and nearly impossible) to legislate the distribution of funds from all the various educational trust funds throughout this state. Local districts, which may benefit from trust funds, need to work proactively with fund trustees to minimize any problems connected with the distribution of those funds. Vote 15-0.

**HB 211-FN-A-L**, relative to intergenerational homeshare programs and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Lawrence A. Emerton for Health, Human Services and Elderly Affairs: This proposed program, which was passed by the House in 1998, has received federal approval from HCFA and will be considered for future statewide implementation by the Health and Human Services Department. The sponsor and prime mover, hopes to start a pilot program in her city, independent of a Department sponsored initiative. The committee feels that this is a program that should soon be a part of New Hampshire's long term care initiative. Vote 17-0.

**HB 264**, relative to persons who die in nursing homes. INEXPEDIENT TO LEGISLATE

Rep. Martin Feuerstein for Health, Human Services and Elderly Affairs: It is the sense of the committee that nursing home operators have guidelines to deal with deceased persons. It also felt that it is inappropriate for us to legislate procedure in the event of death of a resident in a nursing home. Vote 17-0.

**HB 456**, establishing a committee to study issues relating to the deaf community in New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill establishes a committee to study a wide range of issues relating to the deaf community in New Hampshire including interpreter standards, methods for better statewide coordination of programs and services for deaf persons, and the quality of education for deaf children in the state. After hearing from an impressive cross-section of the deaf community, the committee believes the study is both important and timely. Vote 17-0.

#### Amendment (0394h)

Amend subparagraph I (b) as inserted by section 2 of the bill to read as follows:

(b) Five members of the senate, of whom 2 shall be from the public institutions, health and human services committee, 2 shall be from the education committee, and one shall be from another senate standing committee, appointed by the president of the senate.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall review existing state law relating to the rights of deaf citizens in the state with the intent of proposing new legislation or amendments to existing laws, for introduction in the 2000 legislative session, which will assist or improve the abilities of New Hampshire deaf citizens to lead a more meaningful and productive life. The committee's duties shall include:

I. Studying the advantages and disadvantages of recognizing American sign language as the primary language of the New Hampshire deaf community.

II. The adoption of the deaf children's bill of rights into law in New Hampshire.

III. Exploring the quality of education for New Hampshire's deaf children and options for improvement, including, but not limited to, magnet schools or residential school for deaf students.

IV. The establishment of a licensure program including licensing standards and qualifications for sign language interpreters.

V. State funding to improve the availability and efficiency of interpreter referral services statewide.

VI. Studying possible revisions to RSA 521-A, relative to interpreters for the deaf.

VII. The development of guidelines for sign language interpreters working in educational settings.

VIII. Any other issues deemed relevant by the committee.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

**HB 486-FN-A**, relative to the physician effectiveness program. **OUGHT TO PASS WITH AMENDMENT**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: This bill, as amended, was discussed by the committee and realizing the value of this self-funded program which monitors physicians who are at risk for substance abuse and addiction, voted to approve the legislation as amended. Vote 19-0.

**Amendment (0213h)**

Amend RSA 329:13-b as inserted by section 1 of the bill by replacing it with the following:

329:13-b Physician Effectiveness Program.

I. Any physician peer review committee may report relevant facts to the board relating to the acts of any physician in this state if it has knowledge relating to the physician which, in the opinion of the physician peer review committee, might provide grounds for disciplinary action as specified in RSA 329:17.

II. Any committee of a professional society comprised primarily of physicians, its staff, or any district or local intervenor participating in a program established to aid physicians impaired or potentially impaired by mental or physical illness including substance abuse may report in writing to the board the name of a physician whose ability to practice medicine safely is impaired or could reasonably be expected to become impaired if the condition is allowed to progress together with the pertinent information relating to the physician's impairment. The board may report to any committee of such professional society or the society's designated staff information which it may receive with regard to any physician who may be impaired by a mental or physical illness including substance abuse.

III. Notwithstanding the provisions of RSA 91-A, the records and proceedings of the board, compiled in conjunction with a physician effectiveness peer review committee, shall be confidential and are not to be considered open records unless the affected physician so requests; provided, however, the board may disclose this confidential information only:

(a) In a disciplinary hearing before the board or in a subsequent trial or appeal of a board action or order;

(b) To the physician licensing or disciplinary authorities of other jurisdictions; or

(c) Pursuant to an order of a court of competent jurisdiction.

IV.(a) No employee or member of the board, peer review committee member, medical organization committee member, medical organization district or local intervenor furnishing in good faith information, data, reports, or records for the purpose of aiding the impaired physician shall by reason of furnishing such information be liable for damages to any person.

(b) No employee or member of the board or such committee, staff, or intervenor program shall be liable for damages to any person for any action taken or recommendations made by such board, committee, or staff unless the person is found to have acted recklessly or wantonly.

V.(a) The board may contract with other organizations to operate the physician effectiveness program for physicians who are impaired or potentially impaired because of mental or physical illness including substance abuse. This program shall be available to all physicians licensed in this state, all physicians seeking licensure in this state, and all resident physicians in training, and shall include, but shall not be limited to, education, intervention, ongoing care or treatment, and post-treatment monitoring.

(b) The board shall allocate \$10 from each physician annual license renewal fee it collects to provide funding for the physician effectiveness program as set forth in subparagraph V(a).

VI. Upon a determination by the board that a report submitted by a peer review committee or professional society committee is without merit, the report shall be expunged from the physician's individual record in the board's office. A physician or authorized representative shall be entitled on request to examine the physician's peer review or the organization committee report submitted to the board and to place into the record a statement of reasonable length of the physician's view with respect to any information existing in the report.

Referred to Finance.

**HB 564-FN-L**, repealing the authority of the chief justice of the supreme court to assign superior court judges to hear cases in the district court, and reducing the judicial branch budget for jury trials in the district courts. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary: This bill would prohibit the chief justice of the supreme court from temporarily assigning a supreme court justice to assist the superior court and the superior court to assist the district court whenever a backlog in the lower court required such action. Over the years the arrangement has worked well and at no cost to the state. It would also diminish funding for district court jury trials which a number of people testified against. Vote 15-0.

**HB 65**, relative to dates of meetings for local political subdivisions which have adopted the official ballot. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill was submitted to allow charter towns which have enacted SB-2, particularly the Town of Hooksett, to adopt a May town meeting date. On March 9<sup>th</sup> the Town of Hooksett amended its charter so as to make this bill moot. Vote 16-0.

**HB 208-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to deter sprawl. **OUGHT TO PASS**

Rep. Linda T. Foster for Municipal and County Government: This bill establishes a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to deter sprawl. It ensures that the provisions of the Governor's Executive Order relative to sprawl become permanent and ongoing. The Committee unanimously believes that this policy will aid in improving New Hampshire's quality of life, not only for present but also for future generations. Vote 14-0.

**HB 232**, permitting town trustees to invest capital reserve funds in mutual funds. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony F. Simon for Municipal and County Government: This bill would have allowed towns to invest capital reserves in mutual funds. The Committee feels that the risk inherent in such funds is too great for public funds. Additionally, a state regulatory process would have to be established to rate mutual funds for safety and soundness, and there appears to be no state agency currently with the expertise to do so. Vote 16-0.

**HB 327-L**, allowing municipal treasurers to enter into lease agreements for equipment. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony F. Simon for Municipal and County Government: This bill clarifies some existing confusion by specifically allowing municipalities to enter into lease agreements for the use and ownership of equipment. Lease agreements that contain "non-appropriation" clauses will not be regarded as long term debt and may be approved by majority vote. Vote 15-0.

#### **Amendment (0405h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** allowing municipal governing bodies to enter into lease agreements for equipment.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Lease Agreements for Equipment. Amend RSA 33 by inserting after section 7-d the following new section:

33:7-e Lease Agreements of Equipment. The governing body may enter into leases of equipment as required by the municipality. Appropriations to fund lease agreements with nonappropriation clauses may be approved by a simple majority vote of the legislative body. Lease agreements with nonappropriation clauses shall not be treated as debt under RSA 33:4-a. For the purposes of this section, "lease" shall include lease-purchase, sale and lease back, installment sale, or other similar agreement to acquire use or ownership of such equipment as is from time to time required by the municipality.

2 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill allows a municipality's governing body to enter into lease agreements for equipment as required by the municipality. Appropriations to fund lease agreements with nonappropriation clauses may be approved by a simple majority vote of the legislative body.

**HB 328-L**, allowing municipalities to enter into agreements to purchase goods and services with credit cards. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill is not necessary because our municipalities already have the authority to, and do, use credit cards. The Department of Revenue Administration does not regard the use of credit cards as creating long-term debt. Vote 15-0.

**HB 394-L**, enabling towns, cities, and village districts to assess property taxes for certain services on charitable organizations. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have permitted municipalities to withdraw the charitable exemption from selected charitable organizations. It was introduced as a result of an ongoing dispute regarding the payment of fire protection costs in the Town of Conway. The Committee is convinced that there are serious constitutional problems with this bill. Additionally, there are serious public policy questions involved in allowing the discretionary, selective removal of the charitable exemption from otherwise qualified organizations. Finally, this appears to be a local problem, which does not require legislative action. Vote 15-0.

**HB 425**, relative to the placement of public utility wires. INEXPEDIENT TO LEGISLATE

Rep. Thomas E. P. Rice for Municipal and County Government: This bill would force the rate payers in an entire service area of electric, phone, cable, etc. to pay for putting wires underground due to the action of a single community. It would also result in much billing confusion because these service areas do not coincide. Vote 15-0.

**HB 641-L**, clarifying the value of public utility property for property tax purposes. RE-REFER TO COMMITTEE

Rep. Elizabeth S. Hager for Municipal and County Government: The Committee, the sponsor, and all interested parties unanimously agree that this bill should be re-referred, particularly with the uncertainty over the legislative response to Claremont II. Vote 15-0.

**HB 663-L**, authorizing the granting of abatements to persons whose children are enrolled in schools other than the local public schools. INEXPEDIENT TO LEGISLATE

Reps. Priscilla P. Lockwood and David W. Hess for Municipal and County Government: This bill would authorize towns to grant real estate tax abatements of up to one thousand dollars where the taxpayer enrolls a child in "approved schools" other than the local public schools. The Committee felt that the support of public education by taxes is a separate and distinct issue from personal choice, and that the responsibility of paying for public education should be shared by all. The Committee also was warned about the difficulty and expense that would be encountered by towns in administering such a proposal, and noted that such legislation would discriminate against residents, such as renters, who do not directly pay property taxes. Vote 15-0.

**HB 664**, establishing a study committee on rights of ownership to cemetery plots. OUGHT TO PASS

Rep. Marilyn A. Fraser for Municipal and County Government: This is a simple, straightforward bill which establishes a committee to study ways to update, clarify, and otherwise improve the laws of the State regarding rights of ownership to cemetery plots. The committee concluded that there are serious issues in this area that need to be resolved. Vote 15-0.

**HB 709-FN-A-L**, relative to the railroad tax. OUGHT TO PASS

Rep. Betsey L. Patten for Municipal and County Government: This bill clarifies the tax treatment of railroad companies that operate on state-owned railroad corridors and provides a share of the revenues from these operations to the twenty-eight towns and cities on the four railroad corridors. The remaining revenue is paid to the special railroad fund (RSA 228:68-69) which provides for the maintenance and repair of the railroad lines. Vote 15-0.

Referred to Finance.

**HB 444**, relative to establishing a study committee to review reestablishing passenger rail service on the Eastern Line between Newburyport, Massachusetts and Kittery, Maine. **OUGHT TO PASS WITH AMENDMENT**

Rep. George N. Katsakiores for Transportation: The amendment to this bill moves the reporting date to November 1, 2000. This bill essentially complements other efforts ongoing across the country and in the state of New Hampshire as to the intermodal transportation systems authorized by the T-21 authorization bill passed by Congress in 1998. Vote 20-0.

#### **Amendment (0375h)**

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

**HJR 6**, encouraging the revitalization of the northern rail line from Concord to Lebanon. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: This resolution addresses the national railroad revitalization of passenger and freight rail services movement. The resolution primarily alerts all interested parties in the desire to begin the process that eventually will result in the revitalization of the northern rail line from Concord to Lebanon. The rapid growth of New Hampshire's economy and population alone, with the expansion of the state's recreation activities, merits our attention to the infrastructure needs. Vote 20-0.

**HB 298-FN**, relative to the authority of the executive director of fish and game to prevent damage to commercial agricultural crops through wildlife reduction or management. **INEXPEDIENT TO LEGISLATE**

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill regarding the prevention of game damage was related to a more comprehensive bill, HB 704-FN-A. The committee decided to incorporate this bill in HB 704-FN-A and rendered HB 298-FN Inexpedient to Legislate. Vote 12-0.

#### **REGULAR CALENDAR**

**HB 221**, allowing milk products known to contain the genetically produced bovine somatotropin growth hormone to be so labeled. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER TO COMMITTEE.**

Rep. Tim S. McGough for the Majority of Commerce: This bill, as introduced, would permit producers and distributors of milk and milk products to label them with regard to content or use of bovine somatotropin growth hormone. The committee finds that this issue has been considered and examined at length and defeated in 1995, 1996 and 1997 House Sessions. Under new FDA guidelines, producers of milk products can now conspicuously label their products are rBST free. Therefore, this legislation is unnecessary. If additional new information becomes available, the committee will certainly examine it with respect to any new legislation. Vote 10-8.

Rep. Linda L. Garrish for the Minority of Commerce: Despite the FDA's approval of voluntary labeling of milk products from cows, known not to have been treated with genetically engineered bovine somatotropin growth hormone, known as rBST, labeling as such is inconsistent. Many consumers, particularly parents of infants and young children who are dependent upon the essential nutrients provided by milk products, continue to seek clearer, consistent and more accessible labeling. rBST, currently non-detectable in milk but known to increase IGF-1 levels, which however, by an ability to affect cell growth, may be linked to cancer. Use of rBST continues to be banned in Canada, Australia, New Zealand and Europe Union countries. Scientists also continue to study the potential health risks to both cows and humans. Their research is often conflicting within and outside of the industry. Therefore, we believe further in-depth study and review of current research and past Commerce Committee testimony is necessary.

Rep. Garrish spoke against.

Reps. Curran and Keans spoke against and yielded to questions.

Reps. Scanlan and Hunt spoke in favor and yielded to questions.

Rep. Vivian Clark spoke in favor.

Rep. Garrish requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 230 NAYS 122****YEAS 230****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Millham, Alida  
Thomas, John

Boriso, Thomas  
Johnson, James  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Lawton, David  
Rice, Thomas  
Wendelboe, Francine

Czech, Stanley  
Lawton, Robert  
Rosen, Ralph

**CARROLL**

Babson, David, Jr  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Sullivan, P Judith

Howard, Godfrey  
Mock, Henry  
Torressen, Gary

**CHESHIRE**

Avery, Stephen  
Rose, William

Hunt, John  
Royce, H Charles

Manning, Joseph

Roberts, William

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Cobb, John  
Ham, Bonnie  
Mirski, Paul  
Ward, Brien

Alger, John  
Dudley, Terri  
Harmon, Hobart  
Phinney, William  
Weber, Phil

Almy, Susan  
Gilman, G Michael  
Hinman, Harry  
Picconi, Al

Brothers, Richard  
Guest, Robert  
Marshall, Gene  
Scanlan, David

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Daniels, Gary  
Dyer, Merton  
Foster, Linda  
Hansen, Herbert  
Jean, Loren  
Leishman, Peter  
Martel, Andre  
Mercer, Robert  
Murphy, Robert  
Pappas, Marc  
Rowe, Robert  
Tate, Joan  
Withee, Dennis

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Craig, James  
Desmarais, Vivian  
Emerton, Lawrence  
Franks, Suzan  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Milligan, Robert  
O'Connell, Timothy  
Pepino, Leo  
Sarette, John  
Thulander, O Alan

Andrews, Frederick  
Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Daigle, Robert  
Desrosiers, William  
Fletcher, Richard  
Goulet, Maurice  
Holley, Sylvia  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Moran, Edward  
O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
Wall, Nancy

Arnold, Thomas, Jr  
Belvin, William  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Dalianis, Griffin  
Dokmo, Cynthia  
Flora, Kathleen  
Haettenschwiller, Alphonse  
Hunter, Bruce  
LaRose, Richard  
MacGillivray, Jeffrey  
Melcher, Harold  
Mosher, William  
Ouellette, Dean  
Reeves, Sandra  
Simon, Anthony  
White, Donald

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Kennedy, Richard  
Leber, William  
Maxfield, Roy  
Whalley, Michael

Brewster, Richard  
Hess, David  
Langer, Ray  
Lockwood, Priscilla  
Nichols, Avis  
Whittemore, James

Crosby, Toni  
Hoadley, Elizabeth  
Larrabee, David, Sr  
Marple, Richard  
Poulin, Dave

Davis, Francis  
Jacobson, Alf  
Lavoie, Gerard  
Marshall, Kenneth  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bridle, Russell
Case, Margaret	Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Rubin, George	Ruffner, Walter
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Weyler, Kenneth	Zolla, William

**STRAFFORD**

Berube, Roger	Bickford, David	Callaghan, Frank	Cossette, Larry
Knowles, William	McKinley, Robert	Spear, Barbara	Taylor, Kathleen
Torr, Franklin	Vincent, Francis	Wall, Janet	

**SULLIVAN**

Burling, Peter	Flint, Gordon, Sr	Jones, Constance	Kibbey, David
Leone, Richard	Young, David		

**NAYS 122****BELKNAP**

Salatiello, Thomas	Wood, Jane
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**CARROLL**

Bradley, Jeb

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	

**COOS**

Glines, Sara	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

**GRAFTON**

Copenhaver, Marion	Densmore, Jessica	Hall, David	Johnson, Gary
Solow, Martha			

**HILLSBOROUGH**

Baroody, Benjamin	Bergeron, Lucien	Buckley, Raymond	Burkush, James
Clemons, Jane	Curran, James	Dwyer, Paul, Sr	Ford, Nancy
Garrish, Linda	Ginsburg, Ruth	Gorman, Mary	Haley, Robert
Hall, Betty	Herman, Richard	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Lasky, Bette	Lefebvre, Roland
Leonard, Peter	Lynde, Harold	Martin, Mary	McCarthy, William

McDonald, James, Sr  
Perkins, Paul  
White, John

McDonough-Wallace, Alice  
Reidy, Frank  
Messier, Irene  
Turgeon, Roland

Moriarty, Mary  
Vaillancourt, Steve

### MERRIMACK

Bouchard, Candace  
Fraser, Marilyn  
Owen, Derek  
Seldin, Gloria  
Yeaton, Charles

Chase, George  
French, Barbara  
Potter, Frances  
Virtue, Carolyn

Daneault, Gabriel  
Gile, Mary  
Reardon, Tara  
Wallin, Jean

Fortnam, Janet  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Hutchinson, Rebecca  
Pantelakos, Laura  
Vaughn, Charles

Blanchard, MaryAnn  
Johnson, Robert  
Pitts, Jacqueline

Clark, Martha  
Kane, Cecelia  
Sabella, Norma

Grant, Kenneth  
Norelli, Terie  
Splaine, James

### STRAFFORD

Brennan, William  
Domingo, Baldwin  
Grassie, Anne  
Keans, Sandra  
Rogers, Rose Marie  
Spang, Judith

Brown, George  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Twardus, Joseph

Brown, Julie  
Estabrook, Iris  
Johnson, Nancy  
Lundborn, Raymond  
Smith, Marjorie  
Vachon, Dennis

DeChane, Marlene  
Gillmore, Gary  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Woods, Phyllis

### SULLIVAN

Allison, David  
Robb-Theroux, Amy

Cloutier, John  
Tuthill, John

Donovan, Thomas, Jr  
Wiggins, Celestine

Phinizy, James

and the majority report was adopted.

**HB 319-FN**, relative to mandatory automobile insurance. **INEXPEDIENT TO LEGISLATE**  
Rep. Sheila T. Francoeur for Commerce: While the committee feels it would be beneficial for all New Hampshire motorists to be insured, it is a fundamental fallacy that by mandating coverage the percentage of uninsured motorists would decrease and the cost of insurance would go down. Comparisons with other states consistently show New Hampshire with one of the lowest percentages of uninsured drivers. Comparisons also show that the cost of insurance in New Hampshire continues to be lower than in neighboring states. The committee believes that to impose mandatory insurance would be a financial hardship on those least able to afford it and would not produce any positive tangible results. Vote 15-1.  
Adopted.

**HB 497-FN-A**, relative to family literacy planning grants and making an appropriation therefor. **ought to PASS WITH AMENDMENT**  
Rep. Iris Estabrook for Education: This bill makes an appropriation to match federal funds available to plan and implement a statewide family literacy initiative under the Even Start Family Literacy Program. The committee believes this is a highly effective program, which lays the foundation for school readiness. The amendment changed this bill from a study bill to a bill to implement a program that is working with positive results. Vote 16-0.

### Amendment (0373h)

Amend the bill by replacing section 1 with the following:

1 Purpose; Family Literacy Planning Program Grants; Eligibility for Federal Funds. The purpose of the family literacy planning program is to enable states to study, plan, and implement statewide family literacy initiatives under the Even Start Family Literacy Program. Family literacy includes the components of interactive literacy activities between parent and child, parent training with the goal of enabling the parent to be the child's primary teacher and a full partner in the child's education, parent literacy training, and early childhood education. By making an appropriation of



\$50,000, New Hampshire is eligible for an additional \$100,000 in federal money to plan and implement a comprehensive statewide family literacy initiative which would be conducted through a consortium of state, local, and other institutions, organizations, and agencies.

### AMENDED ANALYSIS

This bill makes an appropriation to the department of education enabling New Hampshire to access additional federal moneys for the purpose of planning and implementing statewide family literacy initiatives.

Adopted.

Report adopted and referred to Finance.

**HCR 3**, urging the federal government to fund 100 percent of the total cost of special education programs and services nationwide **INEXPEDIENT TO LEGISLATE**

Rep. Charles B. Yeaton for Education: There is another resolution, HCR 6, which urges the federal government to fulfill its promise to fund special education costs at 40% of the average per pupil cost. That resolution is an appropriate request. If special education costs were funded at 100% by the federal government, it would take away any incentives to keep such costs down to a reasonable level and create federal government control over New Hampshire education. Vote 12-4.

On a division vote, 222 members having voted in the affirmative and 118 in the negative, the report was adopted.

**HB 64**, relative to changes of registration for undeclared voters. **OUGHT TO PASS**

Rep. Michael S. Rollo for Election Law: This bill creates an even field for all voters. At this time, undeclared voters may register with a party, vote and then switch back to their undeclared status. However, registered Democrats and Republicans must wait to switch party affiliation. It was the opinion of the majority of the committee that this was unfair to citizens who wish to vote in their party's primaries and choose their parties candidates. Vote 12-6.

Reps. Brewster and Gilmore spoke against and yielded to questions.

Reps. Rollo and Konys spoke in favor and yielded to questions.

Rep. Jacobson spoke against.

Rep. Clegg spoke in favor.

Rep. Kaen requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 204 NAYS 147

#### YEAS 204

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Rosen, Ralph	Thomas, John	Turner, Robert	

#### CARROLL

Babson, David, Jr	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Sullivan, P Judith	Torresen, Gary

#### CHESHIRE

Batchelder, Robert	Burnham, Daniel	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Riley, William
Roberts, William	Robertson, Timothy	Royce, H Charles	Russell, Ronald

#### COOS

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
Tholl, John, Jr	Woodward, David		

**GRAFTON**

Alger, John  
Hall, David  
Ward, Brien

Copenhagen, Marion  
Harmon, Hobart

Gilman, G Michael  
Mirski, Paul

Guest, Robert  
Solow, Martha

**HILLSBOROUGH**

Alukonis, David  
Brundige, Robert  
Calawa, Leon, Jr  
Coughlin, Pamela  
Dwyer, Paul, Sr  
Flora, Kathleen  
Goulet, Maurice  
Keye, Harvey  
Leonard, Peter  
McCarty, Winston  
Moriarty, Mary  
O'Hearn, Jane  
Rowe, Robert  
Thulander, O Alan

Arnold, Thomas, Jr  
Bruno, Pierre  
Christiansen, Lars  
Curran, James  
Dyer, Merton  
Ford, Nancy  
Haettenschwiller, Alphonse  
Konys, Christine  
Lessard, Rudy  
McGough, Tim  
Mosher, William  
Pappas, Marc  
Sarette, John  
Wall, Nancy

Batula, Peter  
Buckley, Raymond  
Clegg, Robert, Jr  
Dalianis, Griffin  
Emerton, Lawrence  
Franks, Suzan  
Haley, Robert  
Kurk, Neal  
Lozeau, Donnalee  
Mercer, Robert  
Murphy, Robert  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

Bergin, Peter  
Burkush, James  
Clemons, Jane  
Daniels, Gary  
Fletcher, Richard  
Garrish, Linda  
Jean, Loren  
Lasky, Bette  
McCarthy, William  
Milligan, Robert  
O'Connell, Timothy  
Reidy, Frank  
Tate, Joan

**MERRIMACK**

Anderson, Eric  
Hoadley, Elizabeth  
Marshall, Kenneth  
Reardon, Tara  
Wallner, Mary Jane

Daneault, Gabriel  
Larrabee, David, Sr  
Maxfield, Roy  
Seldin, Gloria  
Whalley, Michael

French, Barbara  
Leber, William  
Nichols, Avis  
Soltani, Tony

Hager, Elizabeth  
Lockwood, Priscilla  
Poulin, Dave  
Wallin, Jean

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Dowling, Patricia  
Grant, Kenneth  
Hutchinson, Karen  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed, II  
Sabella, Norma  
Stickney, Nancy  
Welch, David

Blanchard, MaryAnn  
Clark, Martha  
Dearborn, Bruce  
Fesh, Robert  
Griffin, Mary  
Katsakiores, George  
Langone, John  
Moore, Benjamin  
Noyes, Richard  
Quandt, Marshall  
Schanda, Frank  
Stone, Joseph  
Weyler, Kenneth

Bridle, Russell  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, John, Sr  
Hamel, Albert  
Katsakiores, Phyllis  
Letourneau, Robert  
Norelli, Terie  
O'Neil, Michael  
Rabideau, Marie  
Shelton, Richard  
Tufts, J Arthur  
Zolla, William

Case, Margaret  
Cooney, Richard  
Dolan, Richard  
Gleason, John  
Henderson, Warren  
Kelley, Jane  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Ruffner, Walter  
Splaine, James  
Varrell, Thomas

**STRAFFORD**

Berube, Roger  
Cossette, Larry  
Estabrook, Iris  
Lent, Donald  
Rollo, Michael  
Torr, Franklin

Brennan, William  
DeChane, Marlene  
Grassie, Anne  
Lundborn, Raymond  
Smith, Marjorie  
Twardus, Joseph

Brown, George  
Domingo, Baldwin  
Heon, Richard  
McKinley, Robert  
Spang, Judith  
Vachon, Dennis

Brown, Julie  
Dunlap, Patricia  
Keans, Sandra  
Pelletier, Arthur  
Spear, Barbara  
Vincent, Francis

**SULLIVAN**

Allison, David  
Wiggins, Celestine

Burling, Peter  
Young, David

Donovan, Thomas, Jr

Kibbey, David

**NAYS 147****BELKNAP**

Millham, Alida	Pilliod, James	Rice, Thomas	Salatiello, Thomas
Wendelboe, Francine	Wood, Jane		

**CARROLL**

Bradley, Jeb	Dickinson, Howard	Howard, Godfrey	Philbrick, Donald
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**CHESHIRE**

Avery, Stephen	Blaisdell, Michael	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Rose, William

**COOS**

Glinses, Sara	Landers, Dana
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**GRAFTON**

Akins, Ralph	Almy, Susan	Brothers, Richard	Cobb, John
Densmore, Jessica	Dudley, Terri	Ham, Bonnie	Hinman, Harry
Johnson, Gary	Marshall, Gene	Phinney, William	Picconi, Al
Scanlan, David	Weber, Phil		

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Beaupre, Roland	Belvin, William	Bergeron, Lucien	Carlson, Donald
Chabot, Robert	Craig, James	Daigle, Robert	Dawe, Eileen
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Foster, Linda
Ginsburg, Ruth	Gorman, Mary	Hall, Betty	Hansen, Herbert
Herman, Keith	Herman, Richard	Holley, Sylvia	Hunter, Bruce
Johnson, Lionel	L'Heureux, Robert	LaPorte, George	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Lynde, Harold	MacGillivray, Jeffrey
Martel, Andre	Martin, Mary	McDonald, James, Sr	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Moran, Edward	Ouellette, Dean
Perkins, Paul	Peterson, Andrew	Reeves, Sandra	Simon, Anthony
Turgeon, Roland	Vaillancourt, Steve	White, John	Withee, Dennis

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
Gile, Mary	Hess, David	Jacobson, Alf	Kennedy, Richard
Langer, Ray	Lavoie, Gerard	Marple, Richard	Moore, Carol
Owen, Derek	Potter, Frances	Rodd, Beth	Virtue, Carolyn
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Cox, Russell
Downing, Michael	Dunham, Vivian	Flanagan, Natalie	Francoeur, Sheila
Gibbons, Paul	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Langley, Jane	Lovejoy, Marian	Mikowski, Walter	Morse, Charles
Pitts, Jacqueline	Priestley, Anne	Raynowska, Bernard	Reardon, Neil
Rubin, George	Sapareto, Frank	Stritch, C Donald	Vaughn, Charles
Weare, Everett			

**STRAFFORD**

Bickford, David	Callaghan, Frank	Gilmore, Gary	Johnson, Nancy
Kaen, Naida	Knowles, William	Rogers, Rose Marie	Snyder, Clair
Taylor, Kathleen	Wall, Janet	Woods, Phyllis	

## SULLIVAN

Cloutier, John  
Phinizz, James

Flint, Gordon, Sr  
Robb-Theroux, Amy

Jones, Constance  
Tuthill, John

Leone, Richard

and the report was adopted.  
Ordered to third reading.

## RECESS

## (Speaker Sytek in the Chair)

## RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 737, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

## INTRODUCTION OF HOUSE BILL

## First, second reading and referral

**HB 737**, declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution. (Pepino, Hills 40; Welch, Rock 18; Dickinson, Carr 2; J. Flanders, Rock 18; Corbin, Rock 25; Torressen, Carr 10: Finance)

## RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 12, 14, 16, 17, 19, 21, 26, 35 through 37, 40 through 43, 45, 60, 65, 74, 89, 91, 92, 99, 101, 107, 113, 115, 117 through 119, 140, 155, 161 and 180, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

## INTRODUCTION OF SENATE BILLS

## First, second reading and referral

**SB 12-FN-A**, relative to the World War II memorial campaign and making an appropriation therefor. (State-Federal Relations and Veterans Affairs)

**SB 14**, establishing a committee to study the impact of federal welfare reform on the cities and towns of New Hampshire. (Health, Human Services and Elderly Affairs)

**SB 16**, relative to revocation of wills by divorce. (Judiciary)

**SB 17**, relative to funeral arrangements. (Health, Human Services and Elderly Affairs)

**SB 19**, extending the reporting date of the state substance abuse treatment delivery system committee. (Health, Human Services and Elderly Affairs)

**SB 21**, relative to domestic animals. (Executive Departments and Administration)

**SB 26**, establishing a committee to study trustee process. (Judiciary)

**SB 35**, establishing a study committee to investigate motor vehicle inspection requirements. (Transportation)

**SB 36-FN-A**, relative to salary increases for care providers for persons with developmental and acquired disabilities and making an appropriation therefor. (Finance)

**SB 37-FN**, relative to fees for testing of domestic animals for disease. (Finance)

**SB 40**, relative to the health care fund. (Finance)

**SB 41**, correcting a reference in provisions relating to hunting and fishing licenses for members of the armed services. (Wildlife and Marine Resources)

**SB 42-L**, establishing a committee to study safety improvements at the U.S. Route 1 traffic circle in the city of Portsmouth. (Public Works and Highways)

**SB 43**, creating a commission to research making Hilton Park in the city of Dover property of that city. (Public Works and Highways)

**SB 45-FN-A**, allowing a waiver of interest for the time period of an extension of the date of payment of the legacies and successions tax. (Finance)

- SB 60**, establishing a committee to study the licensure of radiographers and radiologic technicians. (Executive Departments and Administration)
- SB 65**, establishing a study committee to review field activities conducted by the department of health and human services relative to children, youth and families. (Children and Family Law)
- SB 74**, relative to the rule-making authority of the real estate commission concerning practices relating to certain dwellings. (Executive Departments and Administration)
- SB 89-L**, relative to library trustees. (Municipal and County Government)
- SB 91**, designating segments of the Cold River as protected under the rivers management and protection program. (Resources, Recreation and Development)
- SB 92-FN**, relative to education grants funded by the companion animal neutering fund. (Environment and Agriculture)
- SB 99**, allowing the same interest rates and charges on small loans under \$1,500 as is allowed on small loans over \$1,500. (Commerce)
- SB 101**, relative to landlord-tenant obligations. (Judiciary)
- SB 107**, relative to fees for examination of domestic societies and foreign societies. (Commerce)
- SB 113**, establishing a division of travel and tourism development within the department of resources and economic development. (Executive Departments and Administration)
- SB 115**, relative to participation by certain judges in the state employee group health and dental insurance programs. (Executive Departments and Administration)
- SB 117**, relative to the duties of the board of trustees of the community-technical college system. (Education)
- SB 118**, relative to requirements for retail installment contracts for motor vehicle sales. (Commerce)
- SB 119**, relative to the withdrawal of a pupil from school. (Education)
- SB 140**, relative to ear and body piercing. (Health, Human Services and Elderly Affairs)
- SB 155**, relative to the naming of certain bridges in the city of Concord. (Public Works and Highways)
- SB 161-L**, relative to amending the contributory pension system for employees of the city of Manchester. (Municipal and County Government)
- SB 180**, establishing a committee to study the improvement of employment opportunities offered by the state of New Hampshire for persons with disabilities. (Labor, Industrial and Rehabilitative Services)

## SENATE MESSAGE

### CONCURRENCE

- HB 93**, permitting a dam to be constructed on Rand Pond in Goshen.
- HB 248**, relative to the Monadnock advisory commission.

## REGULAR CALENDAR (CONT'D.)

- HB 271**, relative to recounts. **INEXPEDIENT TO LEGISLATE**
- Rep. Raymond Buckley for Election Law: This bill would require the Secretary of State to name recount teams of opposite parties. The committee feels the intent of HB271 has great merit but after discussions with the Secretary of State feels the bill is now unnecessary. The Secretary of State has given assurances to the committee that a greater effort will be made to provide increased training and understanding of the role of the team members in a recount. Vote 13-2.
- Adopted.
- HB 381**, prohibiting any candidate from receiving the nomination of more than one party. **OUGHT TO PASS**
- Rep. Robert J. Letourneau for Election Law: The provisions of this bill allow the candidate to accept the nomination of only one party. It provides a level playing field for all candidates during primary elections. Vote 14-3.
- Reps. Dickinson and Hall spoke against and yielded to questions.
- Reps. Alger and Scanlan spoke against.
- Reps. Buckley and Lozeau spoke in favor and yielded to questions.
- Rep. Lozeau requested a roll call; sufficiently seconded.
- The question being the adoption of the report.

**YEAS 243 NAYS 102****YEAS 243****BELKNAP**

Boriso, Thomas  
Lawton, Robert  
Salatiello, Thomas  
Wood, Jane

Boyce, Robert  
Millham, Alida  
Thomas, John

Czech, Stanley  
Rice, Thomas  
Turner, Robert

Holbrook, Robert  
Rosen, Ralph  
Wendelboe, Francine

**CARROLL**

Chandler, Gene  
Torresen, Gary

Kenney, Joseph

Mock, Henry

Patten, Betsey

**CHESHIRE**

Batchelder, Robert  
Lerandeau, Alfred  
Meader, David  
Roberts, William

Blaisdell, Michael  
Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy

Burnham, Daniel  
Lynott, Margaret  
Pratt, John  
Royce, H Charles

Hunt, John  
McGuirk, Paul  
Richardson, Barbara  
Russell, Ronald

**COOS**

Davis, Perley  
Horton, Lynn  
Rodrigue, Robert

Glines, Sara  
Landers, Dana  
Tholl, John, Jr

Guay, Lawrence  
Mears, Edgar  
Woodward, David

Hawkinson, Marie  
Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Gilman, G Michael  
Marshall, Gene

Almy, Susan  
Guest, Robert  
Phinney, William

Brothers, Richard  
Hall, David  
Picconi, Al

Copenhaver, Marion  
Johnson, Gary  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Bergin, Peter  
Calawa, Leon, Jr  
Clemons, Jane  
Dalianis, Griffin  
Dokmo, Cynthia  
Flora, Kathleen  
Garrish, Linda  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Kurk, Neal  
Lasky, Bette  
Lynde, Harold  
McDonald, James, Sr  
Milligan, Robert  
Reeves, Sandra  
Sargent, Maxwell  
Turgeon, Roland  
White, John

Alukonis, David  
Baroody, Benjamin  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Daniels, Gary  
Dwyer, Paul, Sr  
Ford, Nancy  
Ginsburg, Ruth  
Hansen, Herbert  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Moriarty, Mary  
Reidy, Frank  
Simon, Anthony  
Vaillancourt, Steve

Andrews, Frederick  
Batula, Peter  
Buckley, Raymond  
Christiansen, Lars  
Curran, James  
Desmarais, Vivian  
Dyer, Merton  
Foster, Linda  
Gorman, Mary  
Herman, Keith  
Keye, Harvey  
LaPorte, George  
Lessard, Rudy  
McCarthy, William  
McGough, Tim  
Mosher, William  
Rowe, Robert  
Tate, Joan  
Wall, Nancy

Arnold, Thomas, Jr  
Bergeron, Lucien  
Burkush, James  
Clegg, Robert, Jr  
Daigle, Robert  
Desrosiers, William  
Fletcher, Richard  
Franks, Suzan  
Goulet, Maurice  
Herman, Richard  
Konys, Christine  
LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Sarette, John  
Thulander, O Alan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Fraser, Marilyn  
Hess, David

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Langer, Ray

Chase, George  
Fortnam, Janet  
Hager, Elizabeth  
Larrabee, David, Sr

Leber, William  
 Poulin, Dave  
 Virtue, Carolyn

Moore, Carol  
 Reardon, Tara  
 Wallner, Mary Jane

Nichols, Avis  
 Rodd, Beth  
 Whalley, Michael

Potter, Frances  
 Seldin, Gloria  
 Yeaton, Charles

## ROCKINGHAM

Abbott, Dennis  
 Christie, Andrew, Jr  
 Dearborn, Bruce  
 Flanders, John, Sr  
 Griffin, Mary  
 Kane, Cecelia  
 Letourneau, Robert  
 Nowe, Ronald  
 Pantelakos, Laura  
 Sapareto, Frank  
 Stone, Joseph  
 Welch, David

Arndt, Janet  
 Clark, Martha  
 Dowling, Patricia  
 Francoeur, Sheila  
 Henderson, Warren  
 Katsakiores, George  
 Morse, Charles  
 Noyes, Richard  
 Pitts, Jacqueline  
 Schanda, Frank  
 Tufts, J Arthur  
 Zolla, William

Bridle, Russell  
 Cooney, Richard  
 Downing, Michael  
 Gibbons, Paul  
 Hutchinson, Karen  
 Katsakiores, Phyllis  
 Norelli, Terie  
 O'Neil, Michael  
 Ruffner, Walter  
 Shelton, Richard  
 Verani, Giovanni

Case, Margaret  
 Dalrymple, Janeen  
 Fesh, Robert  
 Gleason, John  
 Hutchinson, Rebecca  
 Kelley, Jane  
 Nowe, Mary Lou  
 Packard, Sherman  
 Sabella, Norma  
 Splaine, James  
 Weare, Everett

## STRAFFORD

Berube, Roger  
 Cossette, Larry  
 Grassie, Anne  
 Lent, Donald  
 Rollo, Michael  
 Taylor, Kathleen  
 Vincent, Francis

Brennan, William  
 DeChane, Marlene  
 Heon, Richard  
 Lundborn, Raymond  
 Smith, Marjorie  
 Torr, Franklin  
 Wall, Janet

Brown, George  
 Domingo, Baldwin  
 Johnson, Nancy  
 Pelletier, Arthur  
 Snyder, Clair  
 Twardus, Joseph  
 Woods, Phyllis

Callaghan, Frank  
 Estabrook, Iris  
 Knowles, William  
 Rogers, Rose Marie  
 Spang, Judith  
 Vachon, Dennis

## SULLIVAN

Allison, David  
 Phinizy, James

Burling, Peter  
 Robb-Theroux, Amy

Cloutier, John  
 Wiggins, Celestine

Kibbey, David  
 Young, David

## NAYS 102

## BELKNAP

Bartlett, Gordon

Johnson, James

Lawton, David

## CARROLL

Babson, David, Jr  
 Lyman, L Randy

Bradley, Jeb  
 MacDonald, Kenneth

Dickinson, Howard  
 Philbrick, Donald

Howard, Godfrey  
 Sullivan, P Judith

## CHESHIRE

Avery, Stephen

Manning, Joseph

Riley, William

Rose, William

## COOS

Pratt, Leighton

## GRAFTON

Alger, John  
 Harmon, Hobart  
 Ward, Brien

Cobb, John  
 Hinman, Harry  
 Weber, Phil

Densmore, Jessica  
 Mirski, Paul

Dudley, Terri  
 Scanlan, David

## HILLSBOROUGH

Beaupre, Roland  
 Dawe, Eileen  
 Jean, Loren  
 Melcher, Harold  
 Ouellette, Dean  
 Withee, Dennis

Belvin, William  
 Emerton, Lawrence  
 Lefebvre, Roland  
 Messier, Irene  
 Pepino, Leo

Bruno, Pierre  
 Hall, Betty  
 Martel, Andre  
 Murphy, Robert  
 Perkins, Paul

Carlson, Donald  
 Hunter, Bruce  
 Martin, Mary  
 O'Connell, Timothy  
 Peterson, Andrew

**MERRIMACK**

Feuerstein, Martin  
Lockwood, Priscilla  
Owen, Derek

Jacobson, Alf  
Marple, Richard  
Wallin, Jean

Kennedy, Richard  
Marshall, Kenneth  
Whittemore, James

Lavoie, Gerard  
Maxfield, Roy

**ROCKINGHAM**

Beaulieu, Jon  
Cox, Russell  
Grant, Kenneth  
Langley, Jane  
McKinney, Betsy  
Putnam, Ed, II  
Reardon, Neil  
Varrell, Thomas

Belanger, Ronald  
DiFruscia, Anthony  
Hamel, Albert  
Langone, John  
Mikowski, Walter  
Quandt, Marshall  
Rubin, George  
Vaughn, Charles

Clark, Vivian  
Dolan, Richard  
Johnson, Robert  
Lovejoy, Marian  
Moore, Benjamin  
Rabideau, Marie  
Stickney, Nancy  
Weyler, Kenneth

Corbin, C David  
Flanagan, Natalie  
Kobel, Rudolph  
Major, Norman  
Priestley, Anne  
Raynowska, Bernard  
Stritch, C Donald

**STRAFFORD**

Bickford, David  
Kaen, Naida

Brown, Julie  
Keans, Sandra

Dunlap, Patricia  
McKinley, Robert

Gilmore, Gary  
Spear, Barbara

**SULLIVAN**

Donovan, Thomas, Jr  
Tuthill, John

Flint, Gordon, Sr

Jones, Constance

Leone, Richard

and the report was adopted.  
Ordered to third reading.

**HB 445**, relative to straight ticket voting procedures. **OUGHT TO PASS**

Rep. Lynn C. Horton for Election Law: Since there has been confusion about straight ticket voting, the committee has decided that it be made clear to all voters that if they check the straight ticket box, they cannot go any further. If they do not check the straight ticket box, they may vote for each candidate on the ballot. Vote 13-4.

Rep. Vaillancourt spoke against.

Reps. Horton and Young spoke in favor and yielded to questions.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 170 NAYS 172****YEAS 170****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Millham, Alida  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Rice, Thomas  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Lawton, Robert  
Thomas, John

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Torressen, Gary

**CHESHIRE**

Hunt, John  
Roberts, William

Lerandeau, Alfred  
Royce, H Charles

Manning, Joseph

Meador, David

**COOS**

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Tholl, John, Jr

Mears, Edgar  
Woodward, David

Merrill, Gerald



**GRAFTON**

Brothers, Richard  
Harmon, Hobart  
Scanlan, David

Cobb, John  
Marshall, Gene  
Weber, Phil

Gilman, G Michael  
Mirski, Paul

Hall, David  
Picconi, Al

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Chabot, Robert  
Coughlin, Pamela  
Desmarais, Vivian  
Emerton, Lawrence  
Goulet, Maurice  
Hunter, Bruce  
Lessard, Rudy  
McGough, Tim  
O'Hearn, Jane  
Sargent, Maxwell  
White, Donald

Andrews, Frederick  
Brundige, Robert  
Christiansen, Lars  
Dalianis, Griffin  
Desrosiers, William  
Fletcher, Richard  
Hansen, Herbert  
Jean, Loren  
Lozeau, Donnalee  
Mercer, Robert  
Ouellette, Dean  
Tate, Joan  
Withee, Dennis

Arnold, Thomas, Jr  
Bruno, Pierre  
Clegg, Robert, Jr  
Daniels, Gary  
Dwyer, Paul, Sr  
Flora, Kathleen  
Herman, Keith  
L'Heureux, Robert  
McCarthy, William  
Milligan, Robert  
Peterson, Andrew  
Thulander, O Alan

Batula, Peter  
Calawa, Leon, Jr  
Clemons, Jane  
Dawe, Eileen  
Dyer, Merton  
Franks, Suzan  
Holley, Sylvia  
LaRose, Richard  
McCarty, Winston  
Mosher, William  
Reeves, Sandra  
Wall, Nancy

**MERRIMACK**

Brewster, Richard  
Hess, David  
Lockwood, Priscilla  
Nichols, Avis

Daneault, Gabriel  
Hoadley, Elizabeth  
Marple, Richard  
Poulin, Dave

Feuerstein, Martin  
Larrabee, David, Sr  
Marshall, Kenneth  
Whalley, Michael

Hager, Elizabeth  
Leber, William  
Maxfield, Roy

**ROCKINGHAM**

Arndt, Janet  
Dalrymple, Janeen  
Dowling, Patricia  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Raynowska, Bernard  
Stickney, Nancy  
Weare, Everett

Bridle, Russell  
Dearborn, Bruce  
Fesh, Robert  
Grant, Kenneth  
Hutchinson, Karen  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Ruffner, Walter  
Stone, Joseph  
Welch, David

Christie, Andrew, Jr  
DiFruscia, Anthony  
Flanders, John, Sr  
Griffin, Mary  
Kane, Cecelia  
Langley, Jane  
Mikowski, Walter  
Nowe, Ronald  
Quandt, Marshall  
Sabella, Norma  
Tufts, J Arthur  
Zolla, William

Cooney, Richard  
Dolan, Richard  
Gibbons, Paul  
Hamel, Albert  
Katsakiores, George  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Rabideau, Marie  
Schanda, Frank  
Verani, Giovanni

**STRAFFORD**

Berube, Roger  
Spear, Barbara

Brennan, William  
Torr, Franklin

Brown, George  
Twardus, Joseph

Cossette, Larry

Leone, Richard

Young, David

**NAYS 172****BELKNAP**

Salatiello, Thomas

Wood, Jane

**CARROLL**

Sullivan, P Judith

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Mitchell, McKim
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Rose, William	Russell, Ronald		

**COOS**

Davis, Perley	Hawkinson, Marie	Landers, Dana	Rodrigue, Robert
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**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Guest, Robert	Hinman, Harry
Johnson, Gary	Phinney, William	Solow, Martha	Ward, Brien

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Beaupre, Roland
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Burkush, James
Carlson, Donald	Curran, James	Daigle, Robert	Dokmo, Cynthia
Ford, Nancy	Foster, Linda	Garrish, Linda	Ginsburg, Ruth
Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard
Johnson, Lionel	Keye, Harvey	Kony, Christine	Kurk, Neal
LaPorte, George	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	MacGillivray, Jeffrey	Martel, Andre	Martin, Mary
McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene
Moriarty, Mary	Murphy, Robert	O'Connell, Timothy	Pepino, Leo
Perkins, Paul	Reidy, Frank	Rowe, Robert	Sarette, John
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Chase, George	Crosby, Toni
Davis, Francis	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Lavoie, Gerard	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Seldin, Gloria	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Blanchard, MaryAnn
Case, Margaret	Clark, Martha	Clark, Vivian	Cox, Russell
Downing, Michael	Flanagan, Natalie	Francoeur, Sheila	Hutchinson, Rebecca
Johnson, Robert	Kelley, Jane	Langone, John	Lovejoy, Marian
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Putnam, Ed, II	Reardon, Neil	Rubin, George	Sapareto, Frank
Shelton, Richard	Splaine, James	Stritch, C Donald	Varrell, Thomas
Vaughn, Charles	Weyler, Kenneth		

**STRAFFORD**

Bickford, David	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Vachon, Dennis
Vincent, Francis	Wall, Janet	Woods, Phyllis	

## SULLIVAN

Allison, David  
 Flint, Gordon, Sr  
 Robb-Theroux, Amy

Burling, Peter  
 Jones, Constance  
 Tuthill, John

Cloutier, John  
 Kibbey, David  
 Wiggins, Celestine

Donovan, Thomas, Jr  
 Phinizy, James

and the report failed.

Rep. Burling moved Re-commit to Committee and spoke in favor.

On a division vote, 221 members having voted in the affirmative and 121 in the negative, the motion was adopted.

**HB 277-FN**, relative to health benefits and compensation to pari-mutuel commission-appointed veterinarians. **INEXPEDIENT TO LEGISLATE**

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill seeks state employee benefits for two full time contract veterinarians who work at the Hinsdale and Seabrook racetracks, respectively. However, these individuals are paid by the track associations – not the state, and the pari-mutuel commission director testified that the governor and council set and approved the veterinarian salaries at a higher level than normal to compensate for the lack of benefits. Therefore, the committee felt that these individuals do not qualify for state employee benefits. Vote 11-3. Adopted.

**HB 299**, establishing a bill of rights for pregnant women. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Francine Wendelboe for the Majority of Health, Human Services and Elderly Affairs: The sponsor's intent is very laudable, pregnant women should have available to them the information discussed in HB 299. However, the committee clearly felt that the issue can more appropriately be addressed through non-legislative measures. The Foundation for Healthy Communities, in light of the concerns in this legislation, is conducting a statewide collaborative initiative to use feedback to improve care for mothers and newborns. Vote 18-1.

Rep. Janeen Dalrymple for the Minority of Health, Human Services and Elderly Affairs: The intent of this bill will ensure consistent dissemination of information related to childbirth practices, choices, statistics and definitions associated with the uniqueness of pregnancy and childbirth.

Rep. Emerton moved Re-Commit to Committee and spoke in favor.

Adopted.

**HB 549-L**, relative to the minimum vote required for bond issues by municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Municipal and County Government: The majority of the Committee believes that a three-fifths or sixty per cent requirement to pass a bond issue is a good compromise between the current requirement of two-thirds and a simple majority of fifty per cent. Sixty per cent is still a super majority, underlining the principle that more than a simple majority should be required for long term debt. This percentage also recognizes practical experience and common sense. The majority believes that this change reflects and protects the idea of majority rule in both Senate Bill 2 and non-Senate Bill 2 districts. The amendment changes the effective date to January 1, 2000, which ensures that no community would be able to consider or reconsider this year's bond issue under the new requirement Vote 9-6.

### Amendment (0430h)

Amend the bill by replacing section 10 with the following:

10 Effective Date. This act shall take effect January 1, 2000.

On a division vote, 255 members having voted in the affirmative and 65 in the negative, the amendment was adopted.

Rep. Putnam did not vote and wished to be recorded in favor.

Reps. Brundige, Jacobson and Rice spoke against.

Rep. Foster requested a quorum count. The Speaker declared a quorum was present.

Reps. Foster and Hess spoke in favor and yielded to questions.

Rep. Brundige requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 160 NAYS 176****YEAS 160****BELKNAP**

Salatiello, Thomas	Turner, Robert	Wood, Jane
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**CARROLL**

Bradley, Jeb	Kenney, Joseph
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**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, John	Riley, William	Robertson, Timothy	Russell, Ronald

**COOS**

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Pratt, Leighton	Rodrigue, Robert	Woodward, David

**GRAFTON**

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	Johnson, Gary	Picconi, Al	Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Bergeron, Lucien	Bergin, Peter	Buckley, Raymond
Burkush, James	Chabot, Robert	Clemons, Jane	Coughlin, Pamela
Curran, James	Daigle, Robert	Dokmo, Cynthia	Dwyer, Paul, Sr
Dyer, Merton	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Herman, Richard	Johnson, Lionel	Keye, Harvey	Konys, Christine
L'Heureux, Robert	Lasky, Bette	Leishman, Peter	Lozeau, Donnalee
Lynde, Harold	McCarty, Winston	McDonough-Wallace, Alice	Melcher, Harold
Mercer, Robert	Messier, Irene	Moriarty, Mary	Murphy, Robert
O'Hearn, Jane	Perkins, Paul	Reidy, Frank	Rowe, Robert
Sargent, Maxwell	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John			

**MERRIMACK**

Brewster, Richard	Chase, George	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Larrabee, David, Sr	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Reardon, Tara	Seldin, Gloria
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Case, Margaret
Clark, Martha	Cooney, Richard	Dearborn, Bruce	Dowling, Patricia
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Henderson, Warren
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Langone, John
Lovejoy, Marian	Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma
Sapareto, Frank	Splaine, James	Tufts, J Arthur	Vaughn, Charles

**STRAFFORD**

Brennan, William	Brown, George	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Keans, Sandra	Knowles, William	Lent, Donald

Lundborn, Raymond  
Spang, Judith  
Vincent, Francis

Pelletier, Arthur  
Taylor, Kathleen

Smith, Marjorie  
Twardus, Joseph

Snyder, Clair  
Vachon, Dennis

## SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Wiggins, Celestine

Burling, Peter  
Leone, Richard

Cloutier, John  
Phinizy, James

Donovan, Thomas, Jr  
Tuthill, John

## NAYS 176

## BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Millham, Alida  
Wendelboe, Francine

Boriso, Thomas  
Johnson, James  
Rice, Thomas

Boyce, Robert  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Lawton, Robert  
Thomas, John

## CARROLL

Babson, David, Jr  
MacDonald, Kenneth  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry  
Torresen, Gary

Howard, Godfrey  
Patten, Betsey

Lyman, L Randy  
Philbrick, Donald

## CHESHIRE

Hunt, John  
Roberts, William

Lerandeau, Alfred  
Rose, William

Lynott, Margaret  
Royce, H Charles

Richardson, Barbara

## COOS

Horton, Lynn

Merrill, Gerald

Tholl, John, Jr

## GRAFTON

Alger, John  
Gilman, G Michael  
Marshall, Gene  
Ward, Brien

Brothers, Richard  
Hall, David  
Mirski, Paul  
Weber, Phil

Cobb, John  
Harmon, Hobart  
Phinney, William

Dudley, Terri  
Hinman, Harry  
Scanlan, David

## HILLSBOROUGH

Alukonis, David  
Batula, Peter  
Bruno, Pierre  
Clegg, Robert, Jr  
Desmarais, Vivian  
Flora, Kathleen  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McCarthy, William  
Mosher, William  
Peterson, Andrew  
Thulander, O Alan

Andrews, Frederick  
Beaupre, Roland  
Calawa, Leon, Jr  
Dalianis, Griffin  
Desrosiers, William  
Ford, Nancy  
Holley, Sylvia  
LaPorte, George  
MacGillivray, Jeffrey  
McDonald, James, Sr  
O'Connell, Timothy  
Reeves, Sandra  
Wall, Nancy

Arnold, Thomas, Jr  
Belvin, William  
Carlson, Donald  
Daniels, Gary  
Emerton, Lawrence  
Goulet, Maurice  
Hunter, Bruce  
LaRose, Richard  
Martel, Andre  
McGough, Tim  
Ouellette, Dean  
Sarette, John  
White, Donald

Arthur, Rose  
Brundige, Robert  
Christiansen, Lars  
Dawe, Eileen  
Fletcher, Richard  
Hansen, Herbert  
Jean, Loren  
Lefebvre, Roland  
Martin, Mary  
Milligan, Robert  
Pepino, Leo  
Tate, Joan  
Withee, Dennis

## MERRIMACK

Anderson, Eric  
Langer, Ray  
Marple, Richard  
Whalley, Michael

Bouchard, Candace  
Lavoie, Gerard  
Marshall, Kenneth  
Whittemore, James

Jacobson, Alf  
Leber, William  
Maxfield, Roy

Kennedy, Richard  
Lockwood, Priscilla  
Poulin, Dave

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Christie, Andrew, Jr
Clark, Vivian	Corbin, C David	Cox, Russell	Dalrymple, Janeen
DiFruscia, Anthony	Dolan, Richard	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Hutchinson, Karen	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Morse, Charles
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed, II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Rubin, George	Ruffner, Walter	Schanda, Frank	Shelton, Richard
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Weyler, Kenneth
Zolla, William			

**STRAFFORD**

Berube, Roger	Bickford, David	Brown, Julie	Cossette, Larry
Kaen, Naida	McKinley, Robert	Rollo, Michael	Spear, Barbara
Torr, Franklin	Wall, Janet	Woods, Phyllis	

**SULLIVAN**

Jones, Constance	Kibbey, David	Young, David
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and the report failed.

Rep. Hess moved Re-commit to Committee and spoke in favor.

Rep. Langer requested a roll call; sufficiently seconded.

The question being the motion to Re-commit to Committee.

**YEAS 168 NAYS 169****YEAS 168****BELKNAP**

Salatiello, Thomas	Thomas, John	Turner, Robert	Wood, Jane
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**CARROLL**

Bradley, Jeb	Chandler, Gene	Patten, Betsey
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**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	

**COOS**

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Pratt, Leighton	Rodrigue, Robert	Woodward, David

**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Johnson, Gary	Picconi, Al	Scanlan, David	Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Belvin, William	Bergeron, Lucien
Buckley, Raymond	Burkush, James	Chabot, Robert	Clemons, Jane
Curran, James	Daigle, Robert	Desmarais, Vivian	Dokmo, Cynthia
Flora, Kathleen	Ford, Nancy	Foster, Linda	Franks, Suzan
Garrish, Linda	Ginsburg, Ruth	Gorman, Mary	Haettenschwiller, Alphonse

Hall, Betty  
L'Heureux, Robert  
Lessard, Rudy  
McCarty, Winston  
Milligan, Robert  
Perkins, Paul  
Simon, Anthony

Johnson, Lionel  
LaPorte, George  
Lozeau, Donnalee  
Melcher, Harold  
Moriarty, Mary  
Reidy, Frank  
Turgeon, Roland

Keye, Harvey  
Lasky, Bette  
Lynde, Harold  
Mercer, Robert  
Murphy, Robert  
Rowe, Robert  
Vaillancourt, Steve

Konys, Christine  
Leishman, Peter  
McCarthy, William  
Messier, Irene  
O'Hearn, Jane  
Sargent, Maxwell  
White, John

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Owen, Derek  
Virtue, Carolyn  
Yeaton, Charles

Brewster, Richard  
Davis, Francis  
French, Barbara  
Hoadley, Elizabeth  
Potter, Frances  
Wallin, Jean

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Nichols, Avis  
Seldin, Gloria  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Clark, Martha  
Gibbons, Paul  
Johnson, Robert  
Lovejoy, Marian  
Sabella, Norma

Blanchard, MaryAnn  
Cooney, Richard  
Gleason, John  
Kane, Cecelia  
Norelli, Terie  
Sapareto, Frank

Bridle, Russell  
Dearborn, Bruce  
Henderson, Warren  
Kelley, Jane  
Noyes, Richard  
Splaine, James

Case, Margaret  
Dowling, Patricia  
Hutchinson, Rebecca  
Langone, John  
Pantelakos, Laura  
Tufts, J Arthur

### STRAFFORD

Brennan, William  
Domingo, Baldwin  
Heon, Richard  
Knowles, William  
Smith, Marjorie  
Taylor, Kathleen  
Wall, Janet

Brown, George  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Snyder, Clair  
Twardus, Joseph

Brown, Julie  
Estabrook, Iris  
Kaen, Naïda  
Lundborn, Raymond  
Spang, Judith  
Vachon, Dennis

DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Arthur  
Spear, Barbara  
Vincent, Francis

### SULLIVAN

Allison, David  
Flint, Gordon, Sr

Burling, Peter  
Leone, Richard

Cloutier, John  
Wiggins, Celestine

Donovan, Thomas, Jr  
Young, David

### NAYS 169

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Millham, Alida

Boriso, Thomas  
Johnson, James  
Rice, Thomas

Boyce, Robert  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Lawton, Robert  
Wendelboe, Francine

### CARROLL

Babson, David, Jr  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
MacDonald, Kenneth  
Torressen, Gary

Howard, Godfrey  
Mock, Henry

Kenney, Joseph  
Philbrick, Donald

### CHESHIRE

Hunt, John

Roberts, William

Rose, William

Royce, H Charles

### COOS

Horton, Lynn

Merrill, Gerald

Tholl, John, Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Ward, Brien

Alger, John  
Gilman, G Michael  
Marshall, Gene  
Weber, Phil

Brothers, Richard  
Hall, David  
Mirski, Paul

Cobb, John  
Harmon, Hobart  
Phinney, William

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Calawa, Leon, Jr  
Coughlin, Pamela  
Desrosiers, William  
Fletcher, Richard  
Herman, Richard  
Kurk, Neal  
Martel, Andre  
McGough, Tim  
Pepino, Leo  
Tate, Joan  
Withee, Dennis

Andrews, Frederick  
Bergin, Peter  
Carlson, Donald  
Dalianis, Griffin  
Dwyer, Paul, Sr  
Goulet, Maurice  
Holley, Sylvia  
LaRose, Richard  
Martin, Mary  
Mosher, William  
Peterson, Andrew  
Thulander, O Alan

Arnold, Thomas, Jr  
Brundige, Robert  
Christiansen, Lars  
Daniels, Gary  
Dyer, Merton  
Hansen, Herbert  
Hunter, Bruce  
Lefebvre, Roland  
McDonald, James, Sr  
O'Connell, Timothy  
Reeves, Sandra  
Wall, Nancy

Batula, Peter  
Bruno, Pierre  
Clegg, Robert, Jr  
Dawe, Eileen  
Emerton, Lawrence  
Herman, Keith  
Jean, Loren  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Ouellette, Dean  
Sarette, John  
White, Donald

**MERRIMACK**

Bouchard, Candace  
Larrabee, David, Sr  
Marple, Richard  
Whittemore, James

Jacobson, Alf  
Lavoie, Gerard  
Marshall, Kenneth

Kennedy, Richard  
Leber, William  
Maxfield, Roy

Langer, Ray  
Lockwood, Priscilla  
Poulin, Dave

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
DiFruscia, Anthony  
Flanagan, Natalie  
Griffin, Mary  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Mary Lou  
Pitts, Jacqueline  
Rabideau, Marie  
Ruffner, Walter  
Stone, Joseph  
Verani, Giovanni  
Zolla, William

Beaulieu, Jon  
Corbin, C David  
Dolan, Richard  
Flanders, John, Sr  
Hamel, Albert  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard  
Schanda, Frank  
Stritch, C Donald  
Weare, Everett

Belanger, Ronald  
Cox, Russell  
Downing, Michael  
Francoeur, Sheila  
Hutchinson, Karen  
Langley, Jane  
Mikowski, Walter  
O'Neil, Michael  
Putnam, Ed, II  
Reardon, Neil  
Shelton, Richard  
Varrell, Thomas  
Welch, David

Christie, Andrew, Jr  
Dalrymple, Janeen  
Fesh, Robert  
Grant, Kenneth  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman  
Quandt, Marshall  
Rubin, George  
Stickney, Nancy  
Vaughn, Charles  
Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
Rollo, Michael

Bickford, David  
Torr, Franklin

Cossette, Larry  
Woods, Phyllis

McKinley, Robert

**SULLIVAN**

Jones, Constance

Kibbey, David

Phinizy, James

Tuthill, John

and the motion failed.

Rep. Langer moved Inexpedient to Legislate.

Rep. Vaillancourt requested that the question be divided and that Sections 3 and 4 be voted on separately.



**LAI D ON THE TABLE**

Rep. Burling moved that **HB 549-L**, relative to the minimum vote required for bond issues by municipalities, be laid on the table.

Rep. Rice requested a roll call; sufficiently seconded.

**YEAS 167 NAYS 166****YEAS 167****BELKNAP**

Salatiello, Thomas

Thomas, John

Turner, Robert

Wood, Jane

**CARROLL**

Patten, Betsey

**CHESHIRE**

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

Lerandeau, Alfred

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Royce, H Charles

Russell, Ronald

**COOS**

Davis, Perley

Guay, Lawrence

Hawkinson, Marie

Landers, Dana

Mears, Edgar

Pratt, Leighton

Rodrigue, Robert

Woodward, David

**GRAFTON**

Almy, Susan

Copenhaver, Marion

Densmore, Jessica

Guest, Robert

Johnson, Gary

Picconi, Al

Solow, Martha

**HILLSBOROUGH**

Ahern, Richard

Arthur, Rose

Belvin, William

Bergeron, Lucien

Bergin, Peter

Buckley, Raymond

Chabot, Robert

Clemons, Jane

Curran, James

Daigle, Robert

Desmarais, Vivian

Dokmo, Cynthia

Dwyer, Paul, Sr

Dyer, Merton

Emerton, Lawrence

Ford, Nancy

Foster, Linda

Franks, Suzan

Garrish, Linda

Ginsburg, Ruth

Gorman, Mary

Haettenschwiller, Alphonse

Hall, Betty

Herman, Richard

Johnson, Lionel

Keye, Harvey

Konys, Christine

L'Heureux, Robert

LaPorte, George

Lasky, Bette

Leishman, Peter

Lessard, Rudy

Lynde, Harold

McCarthy, William

McCarty, Winston

Melcher, Harold

Mercer, Robert

Messier, Irene

Milligan, Robert

Moriarty, Mary

Murphy, Robert

O'Hearn, Jane

Perkins, Paul

Reidy, Frank

Rowe, Robert

Sargent, Maxwell

Simon, Anthony

Turgeon, Roland

Vaillancourt, Steve

White, John

**MERRIMACK**

Bouchard, Candace

Brewster, Richard

Chase, George

Crosby, Toni

Daneault, Gabriel

Davis, Francis

Feuerstein, Martin

Fortnam, Janet

Fraser, Marilyn

French, Barbara

Gile, Mary

Hager, Elizabeth

Hess, David

Hoadley, Elizabeth

Moore, Carol

Nichols, Avis

Owen, Derek

Potter, Frances

Reardon, Tara

Seldin, Gloria

Virtue, Carolyn

Wallin, Jean

Wallner, Mary Jane

Whalley, Michael

Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis

Blanchard, MaryAnn

Bridle, Russell

Clark, Martha

Clark, Vivian

Cooney, Richard

Dearborn, Bruce

Gibbons, Paul

Gleason, John

Hutchinson, Rebecca

Johnson, Robert

Kane, Cecelia

Kelley, Jane  
Pitts, Jacqueline  
Tufts, J Arthur

Langone, John  
Sabella, Norma

Norelli, Terie  
Sapareto, Frank

Pantelakos, Laura  
Splaine, James

### STRAFFORD

Brennan, William  
Domingo, Baldwin  
Heon, Richard  
Knowles, William  
Rollo, Michael  
Spear, Barbara  
Vincent, Francis

Brown, George  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Smith, Marjorie  
Taylor, Kathleen  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Snyder, Clair  
Twardus, Joseph

DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Arthur  
Spang, Judith  
Vachon, Dennis

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Wiggins, Celestine

Burling, Peter  
Leone, Richard

Cloutier, John  
Phinzy, James

Donovan, Thomas, Jr  
Tuthill, John

### NAYS 166

### BELKNAP

Bartlett, Gordon  
Johnson, James  
Rice, Thomas

Boyce, Robert  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Lawton, Robert  
Wendelboe, Francine

Holbrook, Robert  
Millham, Alida

### CARROLL

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
MacDonald, Kenneth  
Torresen, Gary

### CHESHIRE

Hunt, John

Roberts, William

Rose, William

### COOS

Horton, Lynn

Merrill, Gerald

Tholl, John, Jr

### GRAFTON

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Scanlan, David

Alger, John  
Gilman, G Michael  
Marshall, Gene  
Ward, Brien

Brothers, Richard  
Hall, David  
Mirski, Paul  
Weber, Phil

Cobb, John  
Harmon, Hobart  
Phinney, William

### HILLSBOROUGH

Alukonis, David  
Beaupre, Roland  
Carlson, Donald  
Dalianis, Griffin  
Fletcher, Richard  
Herman, Keith  
Kurk, Neal  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Ouellette, Dean  
Sarette, John  
White, Donald

Andrews, Frederick  
Brundige, Robert  
Christiansen, Lars  
Daniels, Gary  
Flora, Kathleen  
Holley, Sylvia  
LaRose, Richard  
Martel, Andre  
McGough, Tim  
Pepino, Leo  
Tate, Joan  
Withe, Dennis

Arnold, Thomas, Jr  
Bruno, Pierre  
Clegg, Robert, Jr  
Dawe, Eileen  
Goulet, Maurice  
Hunter, Bruce  
Lefebvre, Roland  
Martin, Mary  
Mosher, William  
Peterson, Andrew  
Thulander, O Alan

Batula, Peter  
Calawa, Leon, Jr  
Coughlin, Pamela  
Desrosiers, William  
Hansen, Herbert  
Jean, Loren  
Lozeau, Donnalee  
McDonald, James, Sr  
O'Connell, Timothy  
Reeves, Sandra  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Larrabee, David, Sr  
Marple, Richard  
Whittemore, James

Jacobson, Alf  
Lavoie, Gerard  
Marshall, Kenneth

Kennedy, Richard  
Leber, William  
Maxfield, Roy

Langer, Ray  
Lockwood, Priscilla  
Poulin, Dave

**ROCKINGHAM**

Arndt, Janet  
Corbin, C David  
Dolan, Richard  
Flanagan, Natalie  
Griffin, Mary  
Katsakiores, George  
Letourneau, Robert  
Mikowski, Walter  
O'Neil, Michael  
Quandt, Marshall  
Rubin, George  
Stickney, Nancy  
Vaughn, Charles  
Weyler, Kenneth

Beaulieu, Jon  
Cox, Russell  
Dowling, Patricia  
Flanders, John, Sr  
Hamel, Albert  
Katsakiores, Phyllis  
Lovejoy, Marian  
Morse, Charles  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Stone, Joseph  
Verani, Giovanni  
Zolla, William

Belanger, Ronald  
Dalrymple, Janeen  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Priestley, Anne  
Raynowska, Bernard  
Schanda, Frank  
Stritch, C Donald  
Weare, Everett

Christie, Andrew, Jr  
DiFruscia, Anthony  
Fesh, Robert  
Grant, Kenneth  
Hutchinson, Karen  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed, II  
Reardon, Neil  
Shelton, Richard  
Varrell, Thomas  
Welch, David

**STRAFFORD**

Berube, Roger  
Torr, Franklin

Bickford, David  
Woods, Phyllis

Cossette, Larry

McKinley, Robert

**SULLIVAN**

Jones, Constance

Kibbey, David

Young, David

and the motion was adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 574-FN-A**, establishing a fisheries habitat stamp required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Michael J. Blaisdell for Wildlife and Marine Resources: This bill establishes a fisheries habitat stamp required for persons obtaining a fishing license and continually appropriates the funds for fisheries habitats. The committee heard from the public, sportsmen's groups and the NH Fish and Game Department all in strong support of providing a method to improve fisheries habitats in New Hampshire. The committee decided to recommend Ought to Pass with Amendment. Vote 10-2.

**Amendment (0173h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a fisheries habitat fee required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Fisheries Habitat Fee; Fisheries Habitat Account Established. Amend RSA 214 by inserting after section 1-f the following new section:

214:1-g Fisheries Habitat Fee; Account Established.

I. A one dollar fisheries habitat fee shall be required to be paid by all persons 16 years of age or older, in addition to each applicable fishing or combination license required by Title XVIII, in order to take fish in the fresh waters of this state. This paragraph shall not apply to any person who takes fish under a complimentary license, excluding any administrative fee, issued pursuant to RSA 214:3, RSA 214:7-a, RSA 214:13, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214:19-c that was purchased in a prior calendar year.

II. The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the fisheries habitat account, to which shall be credited all fees collected under RSA 214:1-g, I. The state treasurer may accept public and private grants and donations for deposit into the account.

III. The state treasurer shall invest the moneys in the fisheries habitat account as provided by law. Interest received on investments shall be credited to the account.

IV. The fisheries habitat account is continually appropriated and may only be used for the following purposes within the state of New Hampshire:

(a) The development, management, preservation, conservation, restoration, and maintenance of fisheries habitats in the water of the state, with at least 50 percent of the annual revenue dedicated to pay costs of labor and materials for direct aquatic management activities;

(b) Obtaining access to fisheries habitat areas;

(c) The acquisition of easements upon private property for the purposes of subparagraphs (a) and (b);

(d) The acquisition of private land to protect critical fisheries habitat, provided that the governing body of any municipality, unincorporated town, or unorganized place in which the property is located approves;

(e) Providing information to the public on the location of fisheries managed by the fish and game department.

V. When revenue is used to either obtain an easement under subparagraph IV(c) or purchase land under subparagraph IV(d), no condition shall be accepted which restricts fishing from or hunting and trapping on the associated land. This requirement shall not apply to lands used for access purposes or if the executive director finds that it is in the interest of the fishing, hunting, and trapping community to allow such a restriction. The executive director shall allow fishing from and hunting and trapping on such lands, as is permissible, but may prohibit for any length of time the fishing, hunting or trapping on the whole or part of such lands when it is necessary for the protection or propagation of a fish species or for public safety reasons.

VI. The executive director, with the approval of the commission, shall expend the funds in the fisheries habitat account. Prior to the expenditure of any funds, the fish and game department shall analyze the proposed project and provide the executive director and the commission with recommendations as to the project's usefulness and feasibility.

VII. The executive director shall submit to the fiscal committee and the chairpersons of the house wildlife and marine resources committee and the senate wildlife and recreation committee a detailed fiscal year report by October 1 of each year, beginning with fiscal year 2000, with sufficient information to be fully understood by the general court and the public, summarizing the receipts and disbursements from the fisheries habitat account and the public benefits derived from the disbursements from it. Every fifth year, beginning in 2005, the annual report shall provide an in-depth financial accounting and summary of work accomplished in the previous 5 years, outlining all projects that are completed, in process, and planned. All annual reports shall be made available to the public after submission to the general court.

2 Effective Date. This act shall take effect January 1, 2000.

#### AMENDED ANALYSIS

This bill requires persons obtaining fishing licenses to pay a fisheries habitat fee. The revenue from the fee shall be used for the acquisition, development, maintenance, and promotion of fisheries habitats.

Adopted.

Report adopted and referred to Finance.

**HB 436-L**, relative to uncompensated public service by prisoners. **INEXPEDIENT TO LEGISLATE** Rep. Robert M. Fesh for Criminal Justice and Public Safety: This bill would have prohibited prisoners from engaging in uncompensated public service work in the place of regular employees. It was felt that no jobs are being displaced and these are jobs that no one really wants. The county's contract with the towns states that these prisoners will displace no jobs. They are trying to give something back to the towns and taxpayers at no cost to them. Volunteers do the same kinds of jobs all the time and we would not want to do away with all volunteers. Vote 12-0.

Rep. Heon spoke against.

Rep. Knowles spoke in favor and yielded to questions.

Adopted.

**HB 708-FN-L**, transferring the county attorneys' offices and the county sheriffs' offices to the department of justice and the unified court system, respectively. **INEXPEDIENT TO LEGISLATE** Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill transfers budgeting obligations and authority for the county attorney's offices to the department of justice and for the county sheriff's offices to the unified court system. The committee felt that this bill would create more problems than it would solve; for both the counties and the state. It is a departure from our traditional and constitutional history. Vote 13-0.

Rep. Jacobson spoke against.

Rep. Welch spoke in favor.

Adopted.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 2, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HOUSE BILL

#### First, second reading and referral

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Kurk, Hills 5: Finance)

### PROPOSED AMENDMENT TO HOUSE RULES

**HR 1**, adopting the rules of the 1998 legislative session and providing that house rules may be amended by a majority of the house on or before March 11, 1999.

Rep. Wallin offered a floor amendment.

#### Floor Amendment (0014h)

Amend House Rule 45 by deleting paragraph (c).

Rep. Wallin spoke in favor.

Rep. Burling spoke against and yielded to questions.

Rep. Dickinson spoke in favor.

Rep. Wallin withdrew her floor amendment.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 1, 1999 at 10:00 a.m.

Adopted. (**Clerk's note:** third reading motion reconsidered below)

### PERSONAL PRIVILEGE

Rep. Wendelboe addressed the House.

### UNANIMOUS CONSENT

Reps. John Pratt and Mirski addressed the House.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming committees of conference only.

Rep. Hager spoke against and requested that the question be divided and that forming committees of conference be voted on separately.

The Speaker ruled the question was divisible.

Rep. Lozeau spoke in favor of the recess motion as offered by Rep. Chandler.

Reps. McGuirk, Burling and Sabella spoke against.

Rep. Chandler withdrew the recess motion.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Chandler moved that the House reconsider its action whereby it adopted the third reading motion.

Rep. Burling spoke in favor.

Reconsideration prevailed.

Rep. Chandler withdrew the third reading motion which adjourned the House to Thursday, April 1, 1999 at 10:00 a.m.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Call of the Chair. Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 441**, relative to a mother's right to breast-feed.

**HB 56**, establishing a procedure for reinstating corporate charters that have been expired for more than 3 years.

**HB 82**, establishing a committee to study financial arrangements among hospitals, physicians, and insurance companies.

**HB 205**, relative to the requirement for posting of bond by an applicant for a writ of replevin.

**HB 422**, relative to advertising by rent-to-own businesses.

**HB 638-FN**, authorizing a limited license for certain travel agents.

**HB 729**, adding social clubs recognized by the Internal Revenue Service to the definition of "charitable organization" for purposes of the laws governing raffles.

**HB 428**, relative to school administrative units.

**HB 456**, establishing a committee to study issues relating to the deaf community in New Hampshire.

**HB 208-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to deter sprawl.

**HB 327-L**, allowing municipal governing bodies to enter into lease agreements for equipment.

**HB 664**, establishing a study committee on rights of ownership to cemetery plots.

**HB 444**, relative to establishing a study committee to review reestablishing passenger rail service on the Eastern Line between Newburyport, Massachusetts and Kittery, Maine.

**HJR 6**, encouraging the revitalization of the northern rail line from Concord to Lebanon.

**HB 64**, relative to changes of registration for undeclared voters.

**HB 381**, prohibiting any candidate from receiving the nomination of more than one party.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 4:50 p.m.

### RECESS

(Rep. Chandler in the Chair)

### RESOLUTION

Rep. Henderson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 64, 109, 111, 112, 124, 125, 130, 150, 164 and 222, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 64**, relative to powers of appointment. (Judiciary)

**SB 109**, deleting the witnessing requirement for notices of lease. (Judiciary)

**SB 111**, relative to requirements for acknowledgments and jurats by justices of the peace. (Judiciary)

**SB 112**, relative to the guardianship of minors. (Children and Family Law)

**SB 124**, establishing a committee to study the integration of technology at the state and municipal level. (Science, Technology and Energy)

**SB 125**, placing restrictions on name changes for certain felons. (Criminal Justice and Public Safety)

**SB 130**, establishing a committee to study issues regarding procedures and standards for selection and supervision of court-appointed guardians ad litem. (Children and Family Law)

**SB 150**, making certain reference changes to the department of youth development services. (Children and Family Law)

**SB 164**, relative to persons exempted from the registration of ophthalmic dispensers. (Executive Departments and Administration)

**SB 222-FN-A-L**, relative to guarantee of loans to local development organizations. (Commerce)

**RECESS****(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 11**

Tuesday, March 30, 1999

The House assembled at 1:30 p.m. and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Bradley J. Bergfalk from the Concord Covenant Church.

Lord of the well-worn path as well as the one less traveled by, we begin our deliberations today fully cognizant of the implications of the decision we are about to make. Oh God, do not let us mistakenly take the road that offers us the quickest solution and easiest answer to the issues we face. Do not let the voices of political posturing, the opinions of television pundits, the pens of newspaper editorial writers, or persuasion of political lobbyists dissuade us from taking the road less traveled. Amen.

Rep. Mitchell led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Courchesne, Eugene Gagnon, Golden, Hunter, Martin and Irene Pratt, the day, illness.  
Reps. Czech, Ginsburg, Mosher, Nolan-Piteri, Tara Reardon and Weatherspoon, the day, important business.

**INTRODUCTION OF GUESTS**

Barbara Brewster, wife of Rep. Brewster. David Katz, guest of Rep. Phinizy. Cynthia and Hanna Neale, guests of Rep. Karen Hutchinson. Former NH Rep. Betty Bardsley and Bill Bardsley, guests of Reps. Leber and Brewster. Ann and Caitlin Bergin, wife and daughter of Rep. Bergin. Alton and Doris Mosher and Margo Harrison, guests of Rep. Stickney.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 93 and 248.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**SENATE MESSAGE**

**REQUESTS CONCURRENCE WITH AMENDMENT**

*HB 109-FN-A-L*, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor. (Amendment printed SJ 9, 3/25/99)  
Rep. Kurk moved that the House nonconcur.  
Reps. Desmarais and Knowles spoke in favor.  
Rep. Wallin spoke against and yielded to questions.  
Rep. Jacobson spoke against.  
Rep. Kurk spoke in favor.  
Rep. Kurk requested a roll call; sufficiently seconded.  
The question being the motion to nonconcur.

**YEAS 211 NAYS 168**

**YEAS 211**

**BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Holbrook, Robert
Johnson, James	Lawton, David	Lawton, Robert	Millham, Alida
Rice, Thomas	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Sullivan, P Judith	Torresen, Gary



**CHESHIRE**

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

Royce, H Charles

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Ham, Bonnie  
MacNeil, Allen  
Scanlan, David

Alger, John  
Eaton, Stephanie  
Harmon, Hobart  
Marshall, Gene  
Ward, Brien

Brothers, Richard  
Gilman, G Michael  
Hinman, Harry  
Mirski, Paul  
Weber, Phil

Cobb, John  
Hall, David  
LaMott, Paul  
Picconi, Al

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Burkush, James  
Clegg, Robert, Jr  
Dalianis, Griffin  
Dokmo, Cynthia  
Fenton, James  
Gagnon, Paul  
Hansen, Herbert  
Johnson, Lionel  
LaRose, Richard  
MacGillivray, Jeffrey  
McGough, Tim  
Moran, Edward  
Peterson, Andrew  
Searles, Stanley, Sr  
Vaillancourt, Steve

Andrews, Frederick  
Belvin, William  
Calawa, Leon, Jr  
Cote, David  
Daniels, Gary  
Drabinowicz, A  
Fields, Dennis  
Goley, Jeffrey  
Herman, Keith  
Keye, Harvey  
Lefebvre, Roland  
Martel, Andre  
McRae, Karen  
O'Hearn, Jane  
Reeves, Sandra  
Tate, Joan  
Wall, Nancy

Baroody, Benjamin  
Bergin, Peter  
Chabot, Robert  
Coughlin, Pamela  
Desmarais, Vivian  
Dyer, Merton  
Fletcher, Richard  
Gorman, Mary  
Holley, Sylvia  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Mercer, Robert  
Ouellette, Dean  
Reidy, Frank  
Thulander, O Alan  
White, Donald

Batula, Peter  
Buckley, Raymond  
Christiansen, Lars  
Craig, James  
Desrosiers, William  
Emerton, Lawrence  
Flora, Kathleen  
Goulet, Maurice  
Jean, Loren  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonald, James, Sr  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Turgeon, Roland  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Langer, Ray  
Nichols, Avis

Asplund, Bronwyn  
Lavoie, Gerard  
Soltani, Tony

Hess, David  
Leber, William  
Whalley, Michael

Kennedy, Richard  
Marple, Richard

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Corbin, C David  
DiFruscia, Anthony  
Fesh, Robert  
Grant, Kenneth  
Hutchinson, Karen  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Putnam, Ed, II  
Rubin, George  
Stone, Joseph  
Verani, Giovanni  
Whittier, John

Beaulieu, Jon  
Carson, Gregory  
Cote, Patricia  
Dolan, Richard  
Flanders, David  
Griffin, Mary  
Katsakiores, George  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Christie, Andrew, Jr  
Cox, Russell  
Dowling, Patricia  
Flanders, John, Sr  
Hamel, Albert  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie  
Sapareto, Frank  
Tufts, J Arthur  
Welch, David

Bishop, Franklin  
Clark, Vivian  
Dalrymple, Janeen  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Kobel, Rudolph  
Mikowski, Walter  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
Domingo, Baldwin  
Musler, George  
Tsiros, William

Brown, George  
Knowles, William  
Rollo, Michael  
Vincent, Francis

Cossette, Larry  
Lundborn, Raymond  
Taylor, Kathleen  
Woods, Phyllis

DeChane, Marlene  
McKinley, Robert  
Torr, Franklin

**SULLIVAN**

Jones, Constance

Leone, Richard

Young, David

**NAYS 168****BELKNAP**

Pilliod, James

Wood, Jane

**CARROLL**

Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, John  
Russell, Ronald

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Richardson, Barbara  
Zerba, Roger

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Riley, William

**COOS**

Davis, Perley  
Mears, Edgar

Glines, Sara  
Rodrigue, Robert

Hawkinson, Marie

Landers, Dana

**GRAFTON**

Almy, Susan  
Johnson, Gary

Copenhaver, Marion  
Nordgren, Sharon

Densmore, Jessica  
Phinney, William

Guest, Robert  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Bruno, Pierre  
Curran, James  
Dwyer, Paul, Sr  
Garrish, Linda  
Jean, Claudette  
Leishman, Peter  
McColgan, Philip, Jr  
Messier, Irene  
Perkins, Paul  
White, John

Arnold, Thomas, Jr  
Carlson, Donald  
Daigle, Robert  
Ford, Nancy  
Haettenschwiller, Alphonse  
Konys, Christine  
Leonard, Peter  
McDonough-Wallace, Alice  
Moriarty, Mary  
Rowe, Robert  
Williams, Carol

Arthur, Rose  
Clemons, Jane  
Dawe, Eileen  
Foster, Linda  
Hall, Betty  
LaPorte, George  
Lynde, Harold  
Melcher, Harold  
Murphy, Robert  
Sarette, John

Bergeron, Lucien  
Cote, Peter  
Durham, Susan  
Franks, Suzan  
Herman, Richard  
Lasky, Bette  
McCarthy, William  
Mendenhall, Leslie  
O'Connell, Timothy  
Simon, Anthony

**MERRIMACK**

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Jacobson, Alf  
Maxfield, Roy  
Poulin, Dave  
Virtue, Carolyn  
Yeaton, Charles

Brewster, Richard  
Feuerstein, Martin  
Gile, Mary  
Larrabee, David, Sr  
Moore, Carol  
Rodd, Beth  
Wallin, Jean

Chase, George  
Fortnam, Janet  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Seldin, Gloria  
Wallner, Mary Jane

Daneault, Gabriel  
Fraser, Marilyn  
Hoadley, Elizabeth  
Marshall, Kenneth  
Potter, Frances  
St Cyr, Gerard  
Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
Cooney, Richard  
Gibbons, Paul

Blanchard, MaryAnn  
Dearborn, Bruce  
Gleason, John

Case, Margaret  
Dunham, Vivian  
Hutchinson, Rebecca

Clark, Martha  
Flanagan, Natalie  
Johnson, Robert

Kane, Cecelia  
Lovejoy, Marian  
Pitts, Jacqueline  
Shultis, Elizabeth

Kelley, Jane  
Norelli, Terie  
Sabella, Norma  
Splaine, James

Langley, Jane  
O'Keefe, Patricia  
Schanda, Frank  
Vaughn, Charles

Langone, John  
Pantelakos, Laura  
Shelton, Richard

### STRAFFORD

Bickford, David  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Smith, Marjorie  
Twardus, Joseph

Brennan, William  
Estabrook, Iris  
Johnson, Nancy  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

Brown, Julie  
Gilmore, Gary  
Kaen, Naida  
Pelletier, Marsha  
Spang, Judith  
Wall, Janet

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Rogers, Rose Marie  
Spear, Barbara

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Robb-Theroux, Amy

Burling, Peter  
Kibbey, David  
Tuthill, John

Cloutier, John  
McIntyre, Sara  
Wiggins, Celestine

Donovan, Thomas, Jr  
Phinizy, James

and the motion was adopted.

Rep. Brundige did not vote and wished to be recorded in favor.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 550-L**, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting, removed by Rep. Hess.

**HCR 8**, urging nonimplementation of the articles of the Kyoto Protocol on global climate change, removed by Rep. Tuthill.

**HB 430**, requiring anyone operating windshield wipers to also have on headlights, removed by Rep. Avery.

Consent Calendar adopted.

**HB 356**, relative to the issuance of summons and notice in CHINS petitions. **OUGHT TO PASS**  
Rep. Mary Stuart Gile for Children and Family Law: This bill provides that notification of pending court petitions relating to children in need of services (CHINS) be sent to the non-custodial parent via certified mail, return receipt requested, to his or her last known address. Vote 14-0.

**HB 540**, relative to court diversion programs. **INEXPEDIENT TO LEGISLATE**  
Rep. Anne C. Grassie for Children and Family Law: The issues contained in this bill will be addressed in HB 721 which is currently being discussed in a sub-committee of Children and Family Law. Vote 16-0.

**HB 555**, relative to representation of a child during child interviews. **RE-REFER TO COMMITTEE**  
Rep. Ruth Ginsburg for Children and Family Law: The committee decided that since so many questions were raised as we discussed the bill, more time was needed to clarify the issues. Vote 16-0.

**HB 674**, relative to the solemnization of marriages. **INEXPEDIENT TO LEGISLATE**  
Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill would forbid marriages to be performed by any religious authority who did not hold a commission from the state. The committee believes that religiously performed marriages should be recognized by the state as is done at present. Vote 12-1.

**HB 723-FN**, relative to standby and emergency guardianship proxies. **OUGHT TO PASS**  
Rep. Mary Stuart Gile for Children and Family Law: This bill authorizes parents to establish short-term guardianship for their minor children either on a temporary or emergency basis and defines the protocol for designation of standby guardianship proxies. The committee felt this bill would reduce the turmoil and potential trauma to children in times of family crises, especially when parents die unexpectedly or are incapacitated due to illness or accident. Vote 13-0.  
Referred to Finance.

**HB 254-L**, relative to restricting the fire marshal's authority in certain municipalities. RE-REFER TO COMMITTEE

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill would restrict the powers of the state fire marshal's office in those communities of 3000 or more. It was determined that this would create several problem areas. In order to address all of the problems this bill would create it was decided to re-refer this bill to committee. Vote 17-0.

**HB 345-FN**, relative to harassment via the Internet. OUGHT TO PASS WITH AMENDMENT

Rep. Kathleen M. Flora for Criminal Justice and Public Safety: With the passage of HB 345-FN, the committee adds harassment via a computer to RSA 644:4:II. The bill updates the statute to include current technological advances and includes electronic transmissions communicated via a "computer". This definition of a "computer" means a programmable electronic device capable of accepting and processing data. Seventeen other states have already enacted laws covering Internet harassment. Vote 17-1.

**Amendment (0482h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to harassment via the computer.

Amend the bill by replacing section I with the following:

I Harassment. Amend RSA 644:4, II to read as follows:

II. As used in paragraph I, "communicates" means to impart a message by any method of transmission, including but not limited to telephoning or personally delivering or sending or having delivered any information or material by written or printed note or letter, package, mail, courier service or electronic transmission, *including electronic transmissions generated or communicated via a computer. For purposes of this section, "computer" means a programmable, electronic device capable of accepting and processing data.*

**AMENDED ANALYSIS**

This bill makes harassment via a computer a class A misdemeanor.

**HB 367**, relative to requesting certifying scientists to appear at DWI hearings. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Under existing law (RSA265) a person charged with operating under the influence of alcohol may request that the person who conducted the blood alcohol test appear in court. HB 367 will change the responsibility for the appearance in court from the alcohol analyst who performed the test to the certifying scientist. The certifying scientist is the state's forensic toxicologist, who under existing law provides testimony in cases where a defendant is charged with being under the influence of controlled drugs. The results of passage of this bill will allow the alcohol analyst to stay in the lab doing tests instead of traveling to court 2 – 3 times a week. The travel time and the court time equal about 5 hours for each appearance. The implementation of this bill will save the state money, speed up the testing turnaround time, and be consistent with what we do for drug tests. Vote 12-0.

**HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. RE-REFER TO COMMITTEE

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: This bill would repeal the law requiring a prescription for purchasing hypodermic needles as well as requiring information on drug addiction treatment. The committee brought forth several questions for which there were no quick, concise answers. There was interest in data from other states without prescription laws including needle disposal, the willingness of pharmacists to participate, addict participation, addicts crossing state lines to purchase, etc. Therefore, it was determined these questions and concerns could be more thoroughly addressed in a concentrated study effort through the summer. Vote 15-1.

**HB 509**, relative to requirements in order to obtain a private detective license. INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill would modify the requirements for a private detective license by adding to those currently contained in RSA 106-F:6 a provision to utilize a written examination in lieu of any of the "experience criteria" currently part of

the law. After hearing testimony and review of how the licensing procedures are operating, it was determined (1) there is currently an alternate way to qualify for a license involving apprenticeship and (2) the existing system has not created any type of a problem requiring fixing. Vote 17-1.

**HB 481-FN**, relative to penalties for unlicensed practice of regulated occupations and professions. **INEXPEDIENT TO LEGISLATE**

Rep. Alida I. Millham for Executive Departments and Administration: This bill would provide there be no penalty for unauthorized, unlicensed, unregistered practice of an occupation or profession if a person provided the appropriate board or commission with his/her name and occupation or profession. This bill would, essentially, eliminate licensure, registration or other authorization. The committee decided this bill is not in the interest of protecting the public safety and would serve to undermine the protections offered by licensure, registration or certification. Public policy should be pro-active. Vote 17-0.

**HB 671**, adding a member to the council on resources and development. **OUGHT TO PASS**

Rep. Michael O'Neil for Executive Departments and Administration: The committee agreed that the addition of the commissioner of cultural resources to the council will strengthen the council of resources and development by providing a direct connection between several of its key responsibilities and the state agency charged with protecting the state's historic and cultural resources. Vote 15-0.

**HB 237-FN**, relative to the percentage of gross sales from each state aggregated in the tri-state lotto compact pool. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: While this proposal was submitted at the request of the Sweepstakes Commission, the Commission now indicates that the bill is no longer necessary as a result of the failure of Vermont to adopt parallel legislation. Without the unanimous agreement of all three states in the tri-state lottery compact (Maine, New Hampshire and Vermont) the desired result would not take effect and the bill is of no use. Vote 24-0.

**HB 489-FN-A**, exempting certain transfers to or from a revocable trust from the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. Avis B. Nichols for Finance: This bill would exempt from the real estate transfer tax any transfers of real estate into or from a revocable trust. The law as it now stands taxes these transfers at the minimum charge of \$40 when for estate planning purposes. The committee felt this is not excessive and should stand. Vote 22-2.

**HB 619-FN**, requiring the commissioner of health and human services to produce certain quarterly reports. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane Wallner for Finance: As amended, the bill calls for the Department of Health and Human Services to produce these reports annually. The annual report will provide the legislature with information about accounts payable in the large health and human services grant lines. This is a tool for the legislature to use in monitoring the state budget. Vote 21-1.

**Amendment (0455hh)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring the commissioner of health and human services to produce certain annual reports.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court declares that to give the general court, the public, and the department of health and human services a more accurate picture of the financial condition of the department, an annual report of certain payables is necessary. This will increase the accuracy and effectiveness of budgeting, policy-making, program evaluation, and financial control for the department of health and human services.

2 New Paragraph; Certain Reports on Payables Required. Amend RSA 126-A:5 by inserting after paragraph II the following new paragraph:

II-a. Sixty days after the end of each fiscal year, the commissioner shall produce an annual report which shall consist of an aggregate schedule of payables for class 90 grant lines, which are greater than \$1,000,000, for such fiscal year. Payables shall start with the date the bill for goods or services is received by the department without regard to whether the bill is subsequently adjusted

or paid. All payables with a receipt date within the report period shall be included. The report shall be submitted to the legislative budget assistant, the house and senate finance committees, the house speaker, senate president, and the governor.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requires the commissioner of health and human services to produce certain annual reports.

**HB 681-FN**, requiring that all moneys received by the state treasurer which are not constitutionally dedicated be deposited in the general fund. **INEXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Finance: The subject of dedicated funds has always been a controversial subject, but to drastically sweep all dedicated funds from the many efforts of the state, such as parks and recreation, watercraft safety, oil pollution control, underground leaking storage tanks recovery costs, police standards and training programs, emergency communications, and hazardous waste reclamation, to mention a few, is not a common sense approach to this continuing practice of departments of the state. Vote 23-1.

**HB 233**, establishing a committee to study the price of prescription drugs. **INEXPEDIENT TO LEGISLATE**

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: This bill is well intentioned and sorely needed. The Department of Health and Human Services & Elderly Affairs is in the process of contracting with a vendor to provide a discount drug program for New Hampshire's seniors. The department will continue to address the cost issue for pharmaceuticals. The committee did not want to disrupt this ongoing initiative by Health and Human Services. Vote 14-0.

**HB 326-FN**, requiring the department of health and human services to survey home health care agencies for compliance with federal regulations for medicare. **RE-REFER TO COMMITTEE**

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: New federal regulations require inspections of home health agencies for compliance with federal regulations for Medicare. It was discovered that two home health agencies who do not provide Medicare services were impacted by this. A representative of the Department of Health and Human Services told the subcommittee that this could be worked out in rules, and that no action would be taken for non-compliance until addressed in rules. The re-refer motion will enable that process to be followed through. Vote 16-0.

**HB 329**, relative to privatization of nursing homes. **INEXPEDIENT TO LEGISLATE**

Rep. Walter D. Ruffner for Health, Human Services and Elderly Affairs: This bill theoretically would study the privatization of county nursing homes. Counties have jurisdiction over their homes at present and testimony was presented that counties have the power to privatize now. It was deemed by the committee to be impractical and economically unfeasible. Vote 16-0.

**HB 353**, relative to access to toilet facilities in public places. **INEXPEDIENT TO LEGISLATE**

Rep. Andre Martel for Health, Human Services and Elderly Affairs: This legislation is intended to allow public access to toilet facilities in public accommodations. Although well intended, by placing this requirement in law, certain properties will have many security problems i.e. liquor stores, jewelry stores, etc. It was felt that public access should be left to individual site personnel. Vote 18-0.

**HB 530**, establishing a committee to review the policies and procedures of the joint health council. **OUGHT TO PASS**

Rep. Paul Perkins for Health, Human Services and Elderly Affairs: This bill establishes a study committee to address the problems and procedures as they relate to the Joint Health Council. After receiving public input, the committee feels strongly with a 17-0 vote of OTP that the original intent of the council needs to be studied. The major problem is that the current council and the procedure by which requests for changes to the drug formulary are made, are lengthy and cumbersome and may be restricting the access of services to their patients. Vote 17-0.

**HB 502-FN**, subjecting all rules promulgated and administrative actions taken by lower courts to review and approval by the legislature. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary: At the recommendation of the sponsor, this bill was withdrawn and recommended to be ITL. The sponsor felt that his concerns have been met by previously filed legislation and testimony received by the members of the Judiciary committee. Vote 17-0.

**CACR 7**, relating to the size of the legislature and the salary for legislators. Providing that the size of the house of representatives be reduced and the article related to the compensation of the legislature be removed from the constitution. **INEXPEDIENT TO LEGISLATE**

Rep. Michael D. Whalley for Legislative Administration: The committee felt that to diminish the size of the New Hampshire House of Representatives would make the House less representative of our citizens. The size of our House allows members to focus on an area and develop an expertise thereby assuring that all legislation receives significant consideration and review. The committee did not wish to change the nature of our citizen legislature. The committee also considered the question of amending the constitution to delete any reference to the compensation of the legislature. This would allow our compensation to be increased without a vote of our citizens. The committee felt that the legislature is already considering many other issues this session which will require significant funding and increasing our yearly compensation did not reach that level of importance. Vote 12-1.

**HB 467**, establishing a committee to study the ability of the legislature to obtain accurate testimony. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee Lozeau for Legislative Administration: This bill would establish a committee composed of 9 House members and 2 Senators to review the ability of the General Court to obtain accurate testimony. This proposed committee would review instances of alleged "unlawful invasions" of the constitutional rights of individuals testifying before the legislature by state and federal prosecutors.

The committee did not hear evidence of any actual violations. The scope of the proposed study committee was also not clearly defined. For these reasons, the committee voted to recommend that this bill be found Inexpedient to Legislate. Vote 14-0.

**HB 603**, relative to the performance audit and oversight committee. **OUGHT TO PASS**

Rep. Warren C. Henderson for Legislative Administration: This bill would streamline the process under which the legislature reviews the functions and performance of state agencies. The Performance Audit and Oversight Committee was established to allow review of state agency functions and to insure that those agencies operate in an efficient manner. Audits recommended by this committee have revealed outdated practices, lack of financial safeguards, and on occasion, activities not authorized by law. These audits have also revealed efficient practices and innovative ideas which should be shared with other agencies. While current law authorizes the Performance Audit and Oversight Committee to make recommendations for agency audits, the Fiscal Committee must approve the recommendation and actually receives the audit. To enable the Performance Audit and Oversight Committee to more efficiently fulfill its duties, this bill would add the chairman of the Fiscal Committee to the audit committee and authorize the audit committee to request and receive audits without requiring the separate approval of the fiscal committee. Vote 14-0.

**HB 99**, relative to granting to the county convention the authority to fill vacancies in elected county offices and to remove county officers for official misconduct. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony F. Simon for Municipal and County Government: This bill would have authorized the county convention to fill vacancies in county offices. The Committee believes that giving the convention this authority would unduly politicize the process of filling vacancies. The Committee further believes that the approach taken by HB 604 is the best way to address this issue. Vote 14-0.

**HB 209**, relative to authorizing the consideration of traditional village patterns in local zoning ordinances. **RE-REFER TO COMMITTEE**

Rep. Anthony F. Simon for Municipal and County Government: This bill and HB 391 both deal with maintaining traditional, municipal growth patterns. It is the Committee's intent to study the concepts embodied in this bill with those in HB 391, which we also recommend be re-referred to the committee. Vote 14-0.

**HB 523**, relative to the terms of office of county officers. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: The committee appreciates the sponsor's willingness to offer an amendment, which addressed problems concerning the recount and appeals process precipitated by this proposed change. Unfortunately, other important concerns, such as inadequate transition time and multiple recounts and subsequent appeals, still exist. The

New Hampshire Association of Counties Executive Board voted unanimously to oppose this bill. A representative from this Association who is also a county officer testified that most transitions are smooth. The Committee unanimously believes that the existing date has generally worked well and should be retained. Vote 14-0.

**HB 569**, relative to the tax credit for service-connected total disability. RE-REFER TO COMMITTEE

Rep. Elizabeth S. Hager for Municipal and County Government: The committee learned during the public hearing and in subsequent subcommittee work that the definitional change in this bill is more complex than it appears. The committee is committed to working to assure fair treatment of our veterans in studying this bill. Vote 14-0.

**HB 583**, extending the reporting date for the committee studying the issue of updating New Hampshire laws related to fences. OUGHT TO PASS WITH AMENDMENT

Rep. Norma A. Sabella for Municipal and County Government: This extends the reporting date for the Committee studying the issue of updating New Hampshire laws related to fences from November 1, 1999 to November 1, 2000. Vote 14-0.

#### Amendment (0440h)

Amend the bill by replacing section 1 with the following:

1 Reporting Date Extended. Amend 1998, 62:6 to read as follows:

62:6 Report. The committee shall report its findings and any recommendations for legislation to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, ~~[1998]~~ 2000.

**HB 587**, relative to form of records of property with registers of deeds. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: This bill would require that the local tax map and lot number be placed on all deeds or instruments prior to allowing the Register of Deeds to record such documents. Besides restricting the Register, the Committee knows that the tax map lot, and block numbers change constantly and are not intended to be legal identifications to be used for assessing purposes. Vote 14-0.

**HB 595-L**, enabling municipalities to grant the elderly property tax exemption to an additional person in a household. RE-REFER TO COMMITTEE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have allowed municipalities to adopt an additional elderly exemption for members of the same household. The Committee believes that the bill requires further study as it may be directly affected by a statewide property tax. Vote 14-0.

**HB 604**, relative to filling a vacancy in the office of county commissioner. OUGHT TO PASS

Rep. David W. Hess for Municipal and County Government: As introduced, this bill would amend current law by providing that any person appointed to fill a vacancy in the office of county commissioner serve only until the next biennial election, rather than for the full, unexpired term of that vacancy, which is current law. The Committee considered and rejected two amendments to this bill which would have vested the power to fill such a vacancy in the remaining, two county commissioners. The Committee was very concerned about the process (or lack thereof) which the Superior Court has followed recently in filling several county commissioner vacancies and urges the Court to adopt formal, open procedures for carrying out this statutory duty in the future. However, the Committee concluded that the present statutory framework is preferable to the alternatives, at least for now. Vote 15-0.

**HB 661-L**, relative to the scope of abatement appeals. OUGHT TO PASS

Rep. Betsey L. Patten for Municipal and County Government: This legislation ensures that the Board of Tax and Land Appeals and the Superior Court have authority during the tax abatement process to increase the assessed value placed on a parcel of land, if the parcel had been undervalued or had "escaped taxation." Vote 14-1.



**HB 731-L**, relative to allowing the granting of tax abatements or tax deferrals to owners of open space land. **INEXPEDIENT TO LEGISLATE**

Rep. Marilyn A. Fraser for Municipal and County Government: The committee concluded that this bill is not necessary due to the fact that its objectives can already be accomplished through RSA chapters 79-B and 79-C, as well as through long-recognized real estate conveyance methods, already available Vote 12-0.

**HB 413-FN-A**, relative to the renovation of regional vocational education centers, and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. William P. Brennan for Public Works and Highways: The committee felt this bill should be re-referred back to the committee so that the funding could be properly straightened out. Obviously, on such an important matter the Public Works & Highways committee wants to be clairvoyant. Vote 16-0.

**HB 383**, relative to the authority of the department of environmental services to assign air pollution allowances and credits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Terie T. Norelli for Science, Technology and Energy: This bill, as amended, allows the Department of Environmental Services to allocate emission reduction credits after submission to the Air Pollution Advisory Committee for review and recommendation. The bill also defines "shutdown emissions credit." Vote 17-0.

### Amendment (0533h)

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions; Shutdown Emissions Credits. Amend RSA 125-J:1, XXIII to read as follows:

XXIII. "[**Public**] **Shutdown** emissions credit" means emissions reduction credits acquired by the state ~~[either through certifying emissions reductions on state devices, area sources, mobile sources, and sources, transfer,] through shutdown of devices and sources[, or from emissions reductions achieved by implementation of applicable state law more stringent than the federal minimum requirements under the Clean Air Act].~~

2 New Section; Emissions Reduction Credits Trading Program; Allocation of Emissions Reduction Mechanisms. Amend RSA 125-J by inserting after section 4-a the following new section:

125-J:4-b Allocation of Emissions Reduction Mechanisms. The department may also establish and administer a process for the allocation of NOx budget allowances, emissions reduction credits, discrete emission reductions, and other emissions reduction mechanisms which it is assigned by the federal government or interstate agreements or which it acquires in any other manner, except for shutdown of devices and sources. The department may allocate emissions reduction mechanisms without receiving payment in return.

3 Emissions Reduction Credits Trading Program; Use of Emissions Reduction Credits. Amend RSA 125-J:5, VII, VIII and IX to read as follows:

VII. Emissions reduction credits which have been certified to, or emissions reductions which are eligible for certification to, a device or source which shuts down its production operations shall be [**public**] **shutdown** emissions credits and shall revert to the state for use consistent with this chapter, except where such ERCs are to be used at other devices and sources within the state by the person or persons who owned, operated or controlled the device or source that was shutdown.

VIII. [**Public**] **Shutdown** emissions credits obtained by the state pursuant to this chapter shall be used or held for use by the governor and council for meeting any requirement of the state implementation plan, any attainment demonstration under the Clean Air Act, or for transfer to new or existing devices and sources in the state which require offsets under the Clean Air Act. In determining the use or transfer of [**public**] **shutdown** credits, the governor and council shall consider the following criteria:

(a) Whether the **shutdown** credits will result in job retention, which shall be the highest priority.

(b) Whether the **shutdown** credits will be used for economic development in New Hampshire.

(c) Whether a prospective company offers the best prospects for long-term growth and job creation.

(d) Current New Hampshire businesses shall be given priority over businesses relocating to New Hampshire.

(e) The market value of the *shutdown* credits.

(f) No less than 75 percent of [~~public~~] *shutdown* emissions credits generated in serious nonattainment areas shall be applied to requirements applicable in serious nonattainment areas.

IX. Funds from the sale of [~~public~~] *shutdown* emissions credits be placed in a special account within the air resources permit fund to be used by governor and council for the acquisition and generation of ERCs for future economic development.

4 Emissions Reduction Trading Program; Rulemaking Authority; Submission. Amend the introductory paragraph of RSA 125-J:12, I to read as follows:

I. Notwithstanding RSA 541-A, the commissioner shall adopt special temporary rules not subject to RSA 541-A as expeditiously as possible after July 1, 1996, except that the department shall hold a public hearing on the proposed special temporary rules and shall provide the public with notice of the hearing and an opportunity to testify and comment in writing, in accordance with the terms of the notice. The commissioner shall submit proposed rules pursuant to RSA 541-A [~~no later than June 30, 1997~~] *as expeditiously as possible after the issuance of Environmental Protection Agency guidance*. Such temporary and permanent rules shall include, but not be limited to, the following:

5 Emissions Reduction Trading Program; Rulemaking Authority; Submission. Amend RSA 125-J:12, II to read as follows:

II. Any proposed special temporary rules to be adopted under paragraph I shall be submitted for review and recommendation to the air pollution advisory committee and the air resources council at least 30 days prior to adoption. Any proposed rules to be adopted pursuant to RSA 541-A shall be submitted to the air pollution advisory committee for review and recommendation at least 30 days prior to filing a notice of proposed rule with the director of legislative services under RSA 541-A:6. *Any proposed allocations of any emissions reduction mechanisms pursuant to RSA 125-J:4-b shall be submitted to the air pollution advisory committee for review and recommendation at least 30 days prior to the allocation.*

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill allows the department of environmental services to establish and administer a process for the allocation of NOx budget allowances, emissions reduction credits, and other emissions reduction mechanisms.

This bill also makes a definitional change.

**HB 402**, establishing a commission to study the use of a surcharge to promote the use of renewable energy sources. OUGHT TO PASS WITH AMENDMENT

Rep. Jacqueline A. Pitts for Science, Technology and Energy: This bill establishes a legislative committee to study ways to promote the use of renewable energy sources. The committee is charged with making suggestions and proposing possible legislation by November 1, 1999. Vote 16-0.

#### Amendment (0319h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study methods to promote the use of renewable energy sources.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study methods to promote the use of renewable energy sources.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the science, technology and energy committee of the house of representatives, appointed by the speaker of the house of representatives.

(b) Five members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study methods to promote the use of renewable energy sources. The committee shall seek input from representatives of the renewable energy industry and interested state agencies. As part of its study, the committee shall examine:

- I. The system benefits charge established pursuant to RSA 374-F:4 and similar charges levied by other states that promote renewable energy sources.
  - II. Programs and initiatives instituted by other states to promote renewable energy.
  - III. Implementation issues specific to deregulated markets.
  - IV. Recommendations regarding the amount of the system benefits charge in light of program goals, market activity, and consumer concerns.
- 4 Chairperson; Quorum. The first meeting of the committee shall be called by the first-named house member. The members shall elect a chairperson. The first meeting of the committee shall be held within 45 days of the effective date of this section. Six members of the committee shall constitute a quorum.
- 5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.
- 6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study methods to promote the use of renewable energy sources.

**HB 258**, establishing Gold Star Mother's Day honoring mothers who lost sons or daughters while on duty in the armed forces. **OUGHT TO PASS**

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: The Committee strongly supported Gold Star Mother's Day as an annual Sunday observance on a certain Sunday. Vote 12-0.

**HCR 1**, encouraging an increased distribution of federal money out of the military budget to the states sufficient to meet domestic needs. **INEXPEDIENT TO LEGISLATE**

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: There was no evidence expressed that the military budget was in any fashion necessarily available or in any fashion to be reduced to fund domestic programs further. Vote 12-0.

**HB 403**, relative to speed limits on Turtle Town Pond in Concord. **OUGHT TO PASS**

Rep. Alfred C. Lerandeau for Transportation: This bill adopts the speed limit on frozen surfaces of Turtle Town Pond in Concord, which was previously repealed effective June 30, 1998, at 55 miles per hour. Due to the small size of the pond, and the overwhelming testimony of the local residents as to how effective the speed limit had worked previously, it became our consensus to recommend continuing the speed limit. Vote 20-0.

**HB 409**, establishing a committee to study transportation of bulk unpackaged food products for livestock and human consumption. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill's intent is to establish a committee to study the transportation of bulk unpackaged food products for livestock and human consumption, and has good intentions by the sponsor who introduced the bill for a constituent who had an incident. However, testimony given by the department of agriculture assured the committee that safeguards are in place by state and federal statutes and standards. This is an area where the department can promulgate rules to adapt to any unhealthy trends. The committee did not feel it was necessary to form a study committee to further study this issue. Vote 20-0.

**HB 453**, requiring certain vehicles that transport children to school or school-related activities to meet the minimum safety standards for school buses. **INEXPEDIENT TO LEGISLATE**

Rep. George A. LaPorte for Transportation: Since the federal government will supercede this bill in 2003, by outlawing vans that transport school children, the committee felt this bill was not needed. Vote 19-1.

**HB 589 FN-L**, mandating a cap on municipal registration fees for recreational vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders, Sr. for Transportation: This bill would set a cap on probably the most expensive motorized vehicles on the road. The committee felt that if someone is spending \$100,000 plus for a motor home, they have the means to pay the local town tax. Vote 20-0.

**HB 702-FN**, relative to pro-rating the registration fees for recreational campers. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders, Sr. for Transportation: This bill would allow for recreational campers to be registered on a prorated basis by how many months a year they were used. This would do two things: create a bookkeeping nightmare for town clerks; and, open the door to all seasonal vehicles demanding the same consideration – (motorcycles, snowmobiles, boats, motor homes). This could conceivably cost city and towns revenue. Vote 20-0.

**HB 552**, relative to the issuance of crossbow permits to persons with a permanent physical disability. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill enables persons with certain permanent disabilities that preclude the use of a conventional longbow, or compound bow safely, to hunt with a crossbow. Vote 17-1.

### Amendment (0512h)

Amend RSA 207:10-c, I as inserted by section 1 of the bill by replacing it with the following:

I. Notwithstanding the provisions of RSA 207:10, a crossbow permit may be issued to a person ~~[so physically impaired by the permanent loss of the shoulder, arm, elbow, forearm, wrist or hand or the permanent loss of functions of same, such that]~~ *who has a permanent physical disability and as a result of that disability* the person cannot operate a conventional longbow or compound bow safely. Such permit shall allow that person to take ~~[one]~~ deer during bow and arrow hunting season, ~~[one]~~ bear during the specified season, wild turkey, and carp from Mascoma lake pursuant to RSA 211:2, provided that the necessary licenses under RSA 208, RSA 209, and RSA 214 have been acquired each year. The permit applicant may be required to appear before the executive director, the director's designee or designated medical consultant or consultants to substantiate the presence of the disability and demonstrate the ability to safely use a crossbow. The applicant shall be responsible for submitting medical documentation as required by the executive director. The executive director may require a second medical opinion from a medical consultant or physician designated by the executive director to verify the disability. Any costs associated with obtaining the medical documentation, re-evaluation of the information or a second medical opinion, upon recommendation of the medical consultant or consultants, are the responsibility of the applicant. The executive director shall determine the eligibility of the applicant, and the executive director's decision shall be final.

### AMENDED ANALYSIS

This bill clarifies the issuance of crossbow permits to persons with a permanent physical disability.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 1, 1999 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 356**, relative to the issuance of summons and notice in CHINS petitions.

**HB 345-FN**, relative to harassment via the computer.

**HB 367**, relative to requesting certifying scientists to appear at DWI hearings.

**HB 671**, adding a member to the council on resources and development.

**HB 619-FN**, requiring the commissioner of health and human services to produce certain annual reports.

**HB 530**, establishing a committee to review the policies and procedures of the joint health council.

**HB 603**, relative to the performance audit and oversight committee.

**HB 583**, extending the reporting date for the committee studying the issue of updating New Hampshire laws related to fences.

**HB 604**, relative to filling a vacancy in the office of county commissioner.

**HB 661-L**, relative to the scope of abatement appeals.

**HB 383**, relative to the authority of the department of environmental services to assign air pollution allowances and credits.

**HB 402**, establishing a committee to study methods to promote the use of renewable energy sources.

**HB 258**, establishing Gold Star Mother's Day honoring mothers who lost sons or daughters while on duty in the armed forces.

**HB 403**, relative to speed limits on Turtle Town Pond in Concord.

**HB 552**, relative to the issuance of crossbow permits to persons with a permanent physical disability.

### UNANIMOUS CONSENT

Reps. Scanlan, Dickinson, Chandler, Mirski, Burnham and Hess addressed the House.

Rep. Kennedy moved that the remarks made by Rep. Scanlan be printed in the Journal.

Adopted.

Rep. Scanlan: Thank you, Madam Speaker and members of the House. During these busy times, and we are in a busy time now, it is very easy to take for granted and possibly under-appreciate a group of people that really make this place tick and that is the staff that you see working around here on a daily basis. From their friendly greetings in the morning to the hard work that committee researchers do during the day, the efficient staff of the clerk's office, during my time here I've only experienced professionalism and extreme courtesy to the members of the House. I hope that I speak for a lot more than just myself when I say I want to thank each and every one of those people for the hard work that they do around here and keep up the good job.

Last Friday, the Facilities Committee met and as a result of that meeting there are two faces that are no longer here, both from the security office, Betty and Claffee who many of you know. My feelings about them are personal because I have known them for a long time and I think that they did an outstanding job around here. The reasons for the committee's action last Friday is in the minutes, which are now sealed. I don't know what they say. I personally find it awfully hard to believe that those two would have acted in a way that resulted in the treatment that they received last Friday. I hope I speak for more than just myself when I say to Betty and Claffee, "Thank you for the hard work that you did around here. I enjoyed seeing you on a daily basis and exchanging pleasantries. I hope that whatever you do from now on is great for you." Thank you.

Rep. Buckley moved that the remarks by Rep. Hess be printed in the Journal.

Adopted.

Rep. Hess: Thank you very much, Madam Speaker. Rep. Chandler and I share something in common today and that is number one, a pledge never to ask for unanimous consent and number two, breaking the pledge today. But, I rise to address you and myself included, because I am deeply disturbed about a trend which I see developing, if not accelerating, in this House. I'm not talking about specific votes. I'm not talking about specific issues or bills. I'm talking about a loss of civility. I'm talking about a fundamental disrespect for the processes and procedures and traditions of this House and I'm talking about an increasing lack of basic personal respect for each other. I'm going to cite some examples and some of you may think of particular members in the House that they fit. That is not my intent and I dare say the behavior that I find disconcerting is behavior that all of us, myself included, have engaged in over the last three months. Let me give you some examples of things that I have not seen happen before in this House, in this Chamber, over the last 15 years when I have been here on and off. I have seen members on more than one occasion walk across the well or walk down the aisle while one of us has been at this lectern or at that lectern. I have seen members, after being ruled out-of-order, continue to speak from the well. I have seen members ask for informal displays of condemnation or support by methods that are clearly unwarranted and out-of-order. I have seen, on increasing occasions, whole bodies of this House express either their displeasure or their support for particular issues as they have been stated from this location. There is nothing so important to this House as its processes and its procedures. Because if we do not follow them we cannot decide any issue, not one, whether it be the most important that you think or the least important. Because without process, without procedure, this House col-

lapses. It collapses into chaos, democracy falters and fails and civil society begins to crumple into anarchy. So, I implore you and I implore myself, honor the traditions and the processes and the procedures which have developed over the years and centuries because they developed for a purpose. They work. Show fundamental respect to your fellow members and keep in mind that your ally today is going to be your opponent tomorrow. Abide by the rulings of the officers that we have elected unless they are properly challenged and overruled. It will be a much more pleasant place to be and we will be able to get our business accomplished in a much more desirable and appropriate manner. Thank you very much.

### **RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.  
Adopted.

The House recessed at 2:45 p.m.

### **RECESS**

### **(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 12

Thursday, April 1, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Bradley J. Bergfalk from the Concord Covenant Church. In our silence, God, on this April Fool's day as well as this Maundy Thursday that precedes this high and holy occasion in the life of the church, we can't help but think about those who serve in places around the world on our behalf, including at least three of our servicemen who now are apprehended by the Serbian government. Allow us the opportunity at this time, God, to pray for them in this moment of silence. Furthermore, God, help us in our efforts not to take ourselves so seriously that we miss the point that it was Your divine folly that ultimately led to the events that we will be celebrating to one degree or another throughout this weekend. In the name of Jesus Christ, I pray. Amen.

Rep. Pepino led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Courchesne, Dearborn, Drabinowicz, Eugene Gagnon, Golden, Hunter, LaPorte, McIntyre, O'Keefe, Irene Pratt, Robb-Theroux and Searles, the day, illness.

Reps. Czech, Dolan, Ginsburg, Hess, Richard Herman, Howard, Mosher, Nolan-Piteri, Stritch and Weatherspoon, the day, important business.

Reps. Cooney, Wallner and Wiggins, the day, illness in the family.

### INTRODUCTION OF GUESTS

Helen Holbrook, wife of Rep. Holbrook. Barbara Brewster, wife of Rep. Brewster. The Young Farmers and Associates Women's Committee from the NH Farm Bureau, guests of the Environment and Agriculture Committee. Richard Gerrish, guest of Rep. John Flanders. Sarah Freeman, daughter of Rep. Clegg.

### SENATE MESSAGE

#### CONCURRENCE

**HB 73**, extending the reporting date of the commission to study the effects of and jurisdiction over alternative agricultural products.

### REGULAR CALENDAR

**HB 576-FN-A**, establishing additional staff positions for child impact seminars, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. Hutchinson for Children and Family Law: This bill expands the successful child impact seminars into additional counties so that it will be available in all of the counties throughout New Hampshire. Child impact seminars teach parents the effects of divorce on children. Vote 14-1.

#### Amendment (0514h)

Amend the bill by replacing sections 2-3 with the following:

2 Child Impact Seminars; Positions Created. There are hereby created 3 full-time court assistant III positions and one part-time court assistant III position within the child impact program for the purpose of managing the child impact seminars pursuant to RSA 458-D.

3 Appropriation. The sum of \$111,794 for the fiscal year ending June 30, 2000, and the sum of \$111,794 for the fiscal year ending June 30, 2001, are hereby appropriated to the judicial branch for the purpose of establishing additional positions to manage the child impact seminars. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

#### AMENDED ANALYSIS

This bill authorizes and appropriates funds for the establishment of additional positions within the child impact program for the purpose of managing the child impact seminars.

Adopted.

Report adopted and referred to Finance.

**HB 712-FN-L**, requiring notification to school districts of certain restraining orders and of the presence, or return to the school, of certain juvenile offenders. **INEXPEDIENT TO LEGISLATE**

Rep. L. Randy Lyman for Children and Family Law: This bill, as submitted, mandates the notification to the current school system by the clerk of court of all criminal convictions, restraining orders, confinements and releases from any detention facility. Once the school system receives the information it becomes part of the student's permanent record and would be forwarded with the student transcript whenever requested either by another school, college or even the military. It is the consensus of the committee that this bill is too complex, far-reaching, and would be difficult to execute. The juvenile system of justice does not recognize "criminal convictions". There are no provisions for "juvenile restraining orders" and the state and federal statutory requirements of confidentiality would be impossible to maintain. There are other provisions available to address the issues the sponsors are working to resolve. Vote 9-4.  
Adopted.

**HB 84-FN**, requiring a one year mandatory prison sentence for a third driving while intoxicated conviction. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Everett A. Weare for the Majority of Criminal Justice and Public Safety: As amended, this bill mandates a minimum 6 months confinement for a third time conviction for DWI. It authorizes the use of electronic monitoring, special alternative incarceration programs offered by the county departments of correction, intensive community supervision, as a condition of probation for any suspended sentence. The individual must successfully complete an approved 28-day residential treatment program before the driver's license may be restored. Vote 10-7.

Rep. Timothy N. Robertson for the Minority of Criminal Justice and Public Safety: A minority of the committee felt that mandatory sentencing of DWI offenders unwisely intrudes on judicial discretion. They reasoned that this matter should be referred for study to examine more effective means of addressing a serious societal problem such as treatment options, electronic monitoring and other creative approaches.

#### **Amendment (0364h)**

Amend the bill by replacing section 1 with the following:

I Multiple DWI Offender Intervention Detention Center Program; Subsequent Convictions. RSA 265:82-b, II(b)(2) is repealed and reenacted to read as follows:

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to imprisonment for a period of not less than one year, no more than 6 months of which may be suspended. Any suspended sentence may include, as a condition of probation, confinement to a person's place of residence, intensive community supervision, electronic monitoring and special alternative incarceration programs offered by the county department of corrections pursuant to RSA 651:2, V. Any offender placed in a home confinement, intensive supervision, electronic monitoring, or special alternative incarceration program who violates the conditions or restrictions of probation shall be subject to immediate arrest by a probation officer or any other authorized law enforcement officer and brought before the court for an expeditious hearing pending further disposition. The person shall also successfully complete at the person's own expense, unless recommended treatment is provided by the correctional facility at no cost, a residential treatment program of at least 28 days duration or an intensive course of substance abuse treatment, which may commence during imprisonment if available, based upon a formal evaluation by a licensed alcohol or other drug counselor and approved by the department of health and human services before the driver's license may be restored.

Adopted.

Rep. Robertson spoke against.

Rep. Weare spoke in favor and yielded to questions.

Rep. Harmon requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.



**YEAS 182 NAYS 150****YEAS 182****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph

Boriso, Thomas  
Lawton, Robert  
Thomas, John

Boyce, Robert  
Millham, Alida  
Turner, Robert

Holbrook, Robert  
Rice, Thomas

**CARROLL**

Bradley, Jeb  
Lyman, L Randy  
Torresen, Gary

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard  
Mock, Henry

Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Blaisdell, Michael  
Smith, Edwin

Manning, Joseph  
Zerba, Roger

Roberts, William

**COOS**

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Tholl, John, Jr

Landers, Dana  
Woodward, David

**GRAFTON**

Alger, John  
Dudley, Terri  
Johnson, Gary  
Weber, Phil

Almy, Susan  
Gilman, G Michael  
MacNeil, Allen

Brothers, Richard  
Hall, David  
Phinney, William

Cobb, John  
Harmon, Hobart  
Scanlan, David

**HILLSBOROUGH**

Arnold, Thomas, Jr  
Calawa, Leon, Jr  
Dalianis, Griffin  
Dwyer, Paul, Sr  
Flora, Kathleen  
Hansen, Herbert  
L'Heureux, Robert  
Lozeau, Donnalee  
McColgan, Philip, Jr  
Milligan, Robert  
Pepino, Leo  
Tate, Joan  
Withee, Dennis

Batula, Peter  
Chabot, Robert  
Daniels, Gary  
Dyer, Merton  
Ford, Nancy  
Holley, Sylvia  
LaRose, Richard  
MacGillivray, Jeffrey  
Mendenhall, Leslie  
O'Connell, Timothy  
Reeves, Sandra  
Thulander, O Alan

Belvin, William  
Christiansen, Lars  
Desmarais, Vivian  
Emerton, Lawrence  
Foster, Linda  
Jean, Claudette  
Lasky, Bette  
Martel, Andre  
Mercer, Robert  
Ouellette, Dean  
Rowe, Robert  
Wall, Nancy

Brundige, Robert  
Clegg, Robert, Jr  
Durham, Susan  
Fletcher, Richard  
Goulet, Maurice  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Messier, Irene  
Pappas, Marc  
Sargent, Maxwell  
White, Donald

**MERRIMACK**

Anderson, Eric  
Hoadley, Elizabeth  
Larrabee, David, Sr  
Marshall, Kenneth  
Seldin, Gloria

Brewster, Richard  
Jacobson, Alf  
Lavoie, Gerard  
Nichols, Avis  
Wallin, Jean

Daneault, Gabriel  
Kennedy, Richard  
Leber, William  
Potter, Frances  
Whalley, Michael

Davis, Francis  
Langer, Ray  
Lockwood, Priscilla  
Poulin, Dave  
Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
Bridle, Russell  
Cox, Russell  
Fesh, Robert  
Grant, Kenneth  
Katsakiores, George  
Letourneau, Robert

Arndt, Janet  
Case, Margaret  
Dowling, Patricia  
Flanagan, Natalie  
Griffin, Mary  
Katsakiores, Phyllis  
Major, Norman

Beaulieu, Jon  
Christie, Andrew, Jr  
Downing, Michael  
Flanders, John, Sr  
Hamel, Albert  
Kelley, Jane  
McKinney, Betsy

Bishop, Franklin  
Clark, Vivian  
Dunham, Vivian  
Gleason, John  
Henderson, Warren  
Langone, John  
Mikowski, Walter

Morse, Charles  
O'Neil, Michael  
Ruffner, Walter  
Stickney, Nancy  
Vaughn, Charles

Nowe, Mary Lou  
Priestley, Anne  
Sapareto, Frank  
Stone, Joseph  
Weare, Everett

Nowe, Ronald  
Putnam, Ed, II  
Schanda, Frank  
Tufts, J Arthur  
Welch, David

Noyes, Richard  
Rabideau, Marie  
Shelton, Richard  
Varrell, Thomas  
Whittier, John

### STRAFFORD

Berube, Roger  
Gilmore, Gary  
Snyder, Clair  
Wall, Janet

Brown, Julie  
Keans, Sandra  
Spear, Barbara  
Woods, Phyllis

Callaghan, Frank  
Musler, George  
Taylor, Kathleen

Cossette, Larry  
Pelletier, Arthur  
Torr, Franklin

### SULLIVAN

Flint, Gordon, Sr

Jones, Constance

Phinizy, James

### NAYS 150

### BELKNAP

Lawton, David

Pilliod, James

Wood, Jane

### CARROLL

Babson, David, Jr

Sullivan, P Judith

### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Meader, David  
Riley, William

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy

Doucette, Richard  
Lynott, Margaret  
Pratt, John  
Rose, William

Hunt, John  
McGuirk, Paul  
Richardson, Barbara  
Russell, Ronald

### COOS

Glines, Sara

Hawkinson, Marie

Merrill, Gerald

Rodrigue, Robert

### GRAFTON

Akins, Ralph  
Guest, Robert  
Picconi, Al

Copenhaver, Marion  
Marshall, Gene

Densmore, Jessica  
Mirski, Paul

Eaton, Stephanie  
Nordgren, Sharon

### HILLSBOROUGH

Ahern, Richard  
Baroody, Benjamin  
Bruno, Pierre  
Cote, David  
Curran, James  
Fenton, James  
Garrish, Linda  
Hall, Betty  
Keye, Harvey  
Leonard, Peter  
McDonough-Wallace, Alice  
Moran, Edward  
Perkins, Paul  
White, John

Alukonis, David  
Beaupre, Roland  
Buckley, Raymond  
Cote, Peter  
Daigle, Robert  
Fields, Dennis  
Goley, Jeffrey  
Herman, Keith  
Konys, Christine  
Lynde, Harold  
McGough, Tim  
Moriarty, Mary  
Sarette, John

Andrews, Frederick  
Bergeron, Lucien  
Burkush, James  
Coughlin, Pamela  
Desrosiers, William  
Franks, Suzan  
Gorman, Mary  
Jean, Loren  
Lefebvre, Roland  
McCarthy, William  
McRae, Karen  
Murphy, Robert  
Turgeon, Roland

Arthur, Rose  
Bergin, Peter  
Carlson, Donald  
Craig, James  
Dokmo, Cynthia  
Gagnon, Paul  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Leishman, Peter  
McDonald, James, Sr  
Melcher, Harold  
O'Hearn, Jane  
Vaillancourt, Steve

### MERRIMACK

Bouchard, Candace  
Fortnam, Janet  
Maxfield, Roy  
Rodd, Beth

Chase, George  
Fraser, Marilyn  
Moore, Carol  
St Cyr, Gerard

Crosby, Toni  
Gile, Mary  
Owen, Derek  
Virtue, Carolyn

Feuerstein, Martin  
Marple, Richard  
Reardon, Tara  
Yeaton, Charles

**ROCKINGHAM**

Belanger, Ronald	Clark, Martha	Cote, Patricia	Dalrymple, Janeen
DiFruscia, Anthony	Francoeur, Sheila	Gibbons, Paul	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kobel, Rudolph
Langley, Jane	Lovejoy, Marian	Norelli, Terie	Quandt, Marshall
Raynowska, Bernard	Sabella, Norma	Shultis, Elizabeth	Splaine, James
Weyler, Kenneth	Zolla, William		

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Knowles, William	Lent, Donald
Lundborn, Raymond	McKinley, Robert	Rogers, Rose Marie	Smith, Marjorie
Spang, Judith	Twardus, Joseph	Vincent, Francis	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Leone, Richard	Tuthill, John		

and the majority report was adopted.

Referred to Finance.

Rep. Wendelboe did not vote and wished to be recorded in favor.

**HB 51**, providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets and food to adopt rules relative to standards for such equipment. RE-REFER TO COMMITTEE

Rep. Kenneth R. Marshall for Environment and Agriculture: The Committee felt that issues raised by this proposal need additional time to resolve. Vote 14-2.

Adopted.

Rep. Scanlan declared a conflict of interest and did not participate.

**HB 340**, establishing a committee to study mercury source reduction and recycling issues. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan L. R. Franks for Environment and Agriculture: This act, as amended, establishes a committee to study mercury source reduction in New Hampshire, and methods of reducing the amount of toxicity of mercury-containing products in the waste stream. Vote 16-0.

**Amendment (0354h)**

Amend the bill by replacing section 4 with the following:

4 Duties. The committee's duties shall include, but not be limited to:

I. Investigating methods to reduce the amount or toxicity of mercury-containing products or wastes in the waste stream, such as:

(a) Establishing collection and recycling programs for mercury, mercury-added products and mercury-containing wastes;

(b) Establishing labeling and manufacturer take-back programs for mercury-added products;

(c) Imposing a fee on the sale of mercury-added products in the state, with an evaluation of options for the use of the revenues from the fee in reducing mercury releases;

(d) Methods of reducing volume and toxicity of mercury-added products and equipment in municipal waste combustors and medical waste incinerators;

(e) Prohibiting the non-essential use of mercury in consumer and commercial products;

(f) Encouraging the use of mercury-free alternative products and the proper management of mercury-containing wastes;

(g) Requiring all generators of mercury-containing medical waste to introduce mercury source reduction and source separation programs;

(h) Establishing collection and recycling programs for waste dental amalgam containing mercury.

II. Investigating other potential sources of mercury and recommending appropriate methods to reduce or eliminate contamination from those sources.

Adopted.

Report adopted and ordered to third reading.

**HB 558-FN**, relative to solid waste management. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan L.R. Franks for Environment and Agriculture: This act, as amended, further clarifies laws relative to solid waste management requirements and makes technical changes to certain provisions of the toxins reduction laws. Vote 14-1.

**Amendment (0412h)**

Amend the bill by replacing section 1 with the following:

1 New Paragraph: Public Health; Solid Waste Management; Responsibilities; Recording of Orders. Amend RSA 149-M:6 by inserting after paragraph XIII the following new paragraph:

XIII-a. Record orders issued by the department pursuant to this chapter in the registry of deeds for the county in which the subject facility is situated. A recorded order shall run with the land; provided that an appropriate description of the land involved including the accurate name of the owner thereof shall be included in the order. No fee shall be charged for recording an order; however, a fee may be charged by the registry of deeds for recording the discharge of an order.

**AMENDED ANALYSIS**

This bill:

I. Gives the department of environmental services the responsibility and authority to record solid waste management orders in the registry of deeds.

II. Allows the department of environmental services additional time to issue a final decision on solid waste permit applications when there is a public benefit hearing.

III. Establishes certain requirements for manufacturers seeking "no feasible alternative" exemptions from the toxics in packaging laws.

IV. Establishes a new exemption from the toxics in packaging laws for certain glass or ceramic packaging.

V. Extends certain exemptions from the toxics in packaging laws.

VI. Clarifies and makes technical changes to certain provisions of the toxics reduction law.

This bill is a request of the department of environmental services.

Adopted.

Report adopted and ordered to third reading.

**HB 484**, relative to the registration of alternative providers of naturopathic care. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: Naturopathic doctors have been licensed in New Hampshire since 1995 and since then they have become recognized as participants in the health care system. This bill, if passed, would have provided lesser-trained persons to provide essentially, some of the same services. The sub-committee that reviewed HB 484 felt that this could lead to confusion in the health care market place, and would not be good public policy. Unlicensed persons dealing in natural health areas may still provide services as herbalists, naturalists, aroma therapists, etc., they just can not identify themselves as naturopaths. Vote 10-7. Adopted.

**HB 91-FN-A-L**, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected. **INEXPEDIENT TO LEGISLATE**

Rep. Norman L. Major for Finance: The intent of this bill was to repeal a provision allowing operators to retain 3 percent of meals and rooms taxes collected. The Department of Revenue Administration indicates that this bill will increase state revenues by \$3.75 million in FY 2000 and each year thereafter. The sponsor feels it is unfair to reward business for collecting taxes since our system does not reward our citizens for preparing and collecting funds to pay their state taxes. Much of the testimony indicated the 3 percent does not adequately compensate operators for keeping the prescribed records and the proper account and remitting of taxes by them. There are costly penalties if the collected taxes are not timely remitted monthly. Vote 21-3.

Adopted.

**HB 235-FN-A**, increasing the exemption amount under the interest and dividends tax. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: The proposal would more than double the current exemption levels under the interest and dividends tax, causing a reduction of revenues to the general fund in excess of \$10 million. The proposed exemption for single filers would increase from \$2,400 to \$5,200 while the exemption for joint filers would increase from \$4,800 to \$10,400. Supporters of the bill suggest that the increased exemptions will return the tax to a position of revenue neutrality versus the tax as it was enforced prior to the changes made by the legislature in 1995. This would not be the case however. Subsequent to the changes made in 1995, the Department of Revenue Administration undertook a detailed study of all tax filers and found that the changes were revenue neutral. Increases in tax collections subsequent to the 1995 changes were a result of increases in the stock market, increased investment, a stronger economy, and increased compliance with the tax law as more people were made aware of the obligation to file and pay a tax on interest and dividend income. The committee believes that such a change in policy, and the resultant impact to the general fund is one which should not be entertained at this time. Vote 23-1.

Rep. Jacobson spoke against and yielded to questions.

Rep. Alukonis spoke in favor and yielded to questions.

Rep. Dean Ouellette requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 121 NAYS 224****YEAS 121****BELKNAP**

Boriso, Thomas	Boyce, Robert	Holbrook, Robert	Johnson, James
Lawton, David	Wendelboe, Francine		

**CARROLL**

Bradley, Jeb	Chandler, Gene	MacDonald, Kenneth	Mock, Henry
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**CHESHIRE**

Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Manning, Joseph
Meador, David	Roberts, William	Royce, H Charles	Smith, Edwin

**COOS**

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Merrill, Gerald
Tholl, John, Jr			

**GRAFTON**

Almy, Susan	Cobb, John	Gilman, G Michael	Harmon, Hobart
Hinman, Harry	Marshall, Gene	Mirski, Paul	Nordgren, Sharon
Scanlan, David			

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Baroody, Benjamin	Beaupre, Roland
Belvin, William	Buckley, Raymond	Calawa, Leon, Jr	Chabot, Robert
Christiansen, Lars	Cote, David	Coughlin, Pamela	Daniels, Gary
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Lozeau, Donnalee	McCarthy, William	McCarty, Winston	Mercer, Robert
O'Hearn, Jane	Pappas, Marc	Reeves, Sandra	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	White, Donald

**MERRIMACK**

Chase, George  
Kennedy, Richard  
Potter, Frances

Crosby, Toni  
Leber, William  
Poulin, Dave

Davis, Francis  
Moore, Carol  
Whalley, Michael

Hager, Elizabeth  
Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
Cote, Patricia  
Flanagan, Natalie  
Henderson, Warren  
Katsakiores, Phyllis  
Nowe, Mary Lou  
Stone, Joseph  
Weyler, Kenneth

Beaulieu, Jon  
Cox, Russell  
Flanders, John, Sr  
Hutchinson, Rebecca  
Langone, John  
Nowe, Ronald  
Vaughn, Charles

Case, Margaret  
Dowling, Patricia  
Griffin, Mary  
Johnson, Robert  
Major, Norman  
Ruffner, Walter  
Weare, Everett

Clark, Vivian  
Fesh, Robert  
Hamel, Albert  
Katsakiores, George  
Morse, Charles  
Stickney, Nancy  
Welch, David

**STRAFFORD**

Cossette, Larry  
Smith, Marjorie

Estabrook, Iris  
Torr, Franklin

Knowles, William

Lundborn, Raymond

**SULLIVAN**

Allison, David

Burling, Peter

Leone, Richard

**NAYS 224****BELKNAP**

Bartlett, Gordon  
Rice, Thomas  
Wood, Jane

Lawton, Robert  
Rosen, Ralph

Millham, Alida  
Thomas, John

Pilliod, James  
Turner, Robert

**CARROLL**

Babson, David, Jr  
Philbrick, Donald

Kenney, Joseph  
Sullivan, P Judith

Lyman, L Randy  
Torressen, Gary

Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Doucette, Richard  
Pratt, John  
Rose, William

Batchelder, Robert  
Lynott, Margaret  
Richardson, Barbara  
Russell, Ronald

Blaisdell, Michael  
McGuirk, Paul  
Riley, William  
Zerba, Roger

Burnham, Daniel  
Mitchell, McKim  
Robertson, Timothy

**COOS**

Glines, Sara  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

Landers, Dana  
Woodward, David

Mears, Edgar

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Hall, David  
Picconi, Al

Alger, John  
Dudley, Terri  
Johnson, Gary  
Ward, Brien

Brothers, Richard  
Eaton, Stephanie  
MacNeil, Allen  
Weber, Phil

Copenhaver, Marion  
Guest, Robert  
Phinney, William

**HILLSBOROUGH**

Andrews, Frederick  
Bergeron, Lucien  
Burkush, James  
Curran, James  
Desrosiers, William  
Franks, Suzan  
Gorman, Mary

Arnold, Thomas, Jr  
Bergin, Peter  
Carlson, Donald  
Daigle, Robert  
Dokmo, Cynthia  
Gagnon, Paul  
Haettenschwiller, Alphonse

Arthur, Rose  
Brundige, Robert  
Cote, Peter  
Dalianis, Griffin  
Fenton, James  
Garrish, Linda  
Hall, Betty

Batula, Peter  
Bruno, Pierre  
Craig, James  
Desmarais, Vivian  
Fields, Dennis  
Goley, Jeffrey  
Holley, Sylvia

Jean, Claudette  
Lasky, Bette  
Lynde, Harold  
McDonald, James, Sr  
Melcher, Harold  
Moran, Edward  
Ouellette, Dean  
Reidy, Frank  
Turgeon, Roland

Johnson, Lionel  
Leishman, Peter  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Mendenhall, Leslie  
Moriarty, Mary  
Pepino, Leo  
Rowe, Robert  
Wall, Nancy

Keye, Harvey  
Leonard, Peter  
Martel, Andre  
McGough, Tim  
Messier, Irene  
Murphy, Robert  
Perkins, Paul  
Sarette, John  
\* White, John

Konys, Christine  
Lessard, Rudy  
McColgan, Philip, Jr  
McRae, Karen  
Milligan, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Simon, Anthony  
Withee, Dennis

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
French, Barbara  
Langer, Ray  
Marple, Richard  
Reardon, Tara  
St Cyr, Gerard  
Yeaton, Charles

Asplund, Bronwyn  
Feuerstein, Martin  
Gile, Mary  
Larrabee, David, Sr  
Marshall, Kenneth  
Rodd, Beth  
Virtue, Carolyn

Bouchard, Candace  
Fortnam, Janet  
Hoadley, Elizabeth  
Lavoie, Gerard  
Maxfield, Roy  
Seldin, Gloria  
Wallin, Jean

Brewster, Richard  
Fraser, Marilyn  
Jacobson, Alf  
Lockwood, Priscilla  
Owen, Derek  
Soltani, Tony  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Clark, Martha  
Downing, Michael  
Gleason, John  
Kelley, Jane  
Lovejoy, Marian  
Norelli, Terie  
Priestley, Anne  
Raynowska, Bernard  
Shelton, Richard  
Varrell, Thomas

Belanger, Ronald  
Corbin, C David  
Dunham, Vivian  
Grant, Kenneth  
Kobel, Rudolph  
McKinney, Betsy  
Noyes, Richard  
Putnam, Ed, II  
Sabella, Norma  
Shultis, Elizabeth  
Whittier, John

Bishop, Franklin  
Dalrymple, Janeen  
Francoeur, Sheila  
Hutchinson, Karen  
Langley, Jane  
Mikowski, Walter  
O'Neil, Michael  
Quandt, Marshall  
Sapareto, Frank  
Splaine, James  
Zolla, William

Bridle, Russell  
DiFruscia, Anthony  
Gibbons, Paul  
Kane, Cecelia  
Letourneau, Robert  
Moore, Benjamin  
Pantelakos, Laura  
Rabideau, Marie  
Schanda, Frank  
Tufts, J Arthur

### STRAFFORD

Berube, Roger  
Brown, Julie  
Gilmore, Gary  
Kaen, Naida  
Musler, George  
Snyder, Clair  
Twardus, Joseph  
Woods, Phyllis

Bickford, David  
Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Pelletier, Arthur  
Spang, Judith  
Vachon, Dennis

Brennan, William  
Domingo, Baldwin  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spear, Barbara  
Vincent, Francis

Brown, George  
Dunlap, Patricia  
Johnson, Nancy  
McKinley, Robert  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

### SULLIVAN

Cloutier, John  
Phinizy, James

Donovan, Thomas, Jr  
Tuthill, John

Flint, Gordon, Sr

Jones, Constance

and the report failed.

Rep. Dickinson did not vote and wished to be recorded against.

Rep. Kurk moved Re-commit to Committee.

Rep. Jacobson spoke in favor.

On a division vote, 232 members having voted in the affirmative and 113 in the negative, the motion was adopted.

**HB 475-FN-A**, appropriating a portion of tobacco settlement moneys to fund the activities of the emergency shelter and homeless coordination commission. **INEXPEDIENT TO LEGISLATE**  
Rep. Marjorie K. Smith for Finance: This is one of a number of bills moving through the legislature which identify various worthy purposes to which portions of the tobacco settlement moneys

could be dedicated. The Finance Committee, while acknowledging the concerns of the sponsors, concludes that the prospective funding stream expected from the tobacco settlement will be in great demand from myriad competing causes and that an effort should be made to have in place an underlying policy framework before any decisions are made as to specific allocations. It is unlikely that any tobacco settlement funds will be received by the state before the end of SFY 2000. Vote 24-0.

Adopted.

**HB 492-FN-A-L**, reducing the state bond guarantee limit for wastewater projects. **OUGHT TO PASS** Rep. Jeffrey C. MacGillivray for Finance: This bill reduces the state bond guarantee limit for wastewater projects from \$250 million to \$200 million. The Department of Environmental Services has requested this bill because the amount of outstanding guaranteed debt has decreased to about \$124 million. Enactment of this bill could have a small positive impact on the state's financial rating. Vote 24-0.

Adopted and ordered to third reading.

**HB 494-FN-A**, making an appropriation to the department of cultural resources for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret A. Lynch for Finance: This bill makes a one-time appropriation of \$150,000 to the Department of Cultural Resources for payment to the non-profit organization Celebrate New Hampshire Culture, Inc. for the purpose of funding the state's participation in the Smithsonian Festival of American Folklife. This bill accomplishes an attempt begun in the last session to match to a small degree the anticipated \$2 million of private donations raised in support of New Hampshire's participation in the Smithsonian Festival in Washington, D.C.

The amendment decreases the original amount in the bill from \$200,000 to \$150,000 as the first \$50,000 of this anticipated commitment was obligated in the last session. Vote 24-0.

#### **Amendment (0544h)**

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Cultural Resources; Celebrate New Hampshire Culture, Inc. The sum of \$150,000 is hereby appropriated to the department of cultural resources for the fiscal year ending June 30, 2000, for payment to the nonprofit organization Celebrate New Hampshire Culture, Inc. for the purpose of funding the state of New Hampshire's participation in the Smithsonian Festival of American Folklife to be held on the National Mall in Washington, D.C. in 1999. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Adopted.

Rep. Avery spoke in favor.

Report adopted and ordered to third reading.

Rep. Glines declared a conflict of interest and did not participate.

**HB 495-FN-A**, relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Finance: This bill extends the date for the motor oil discharge cleanup fund to January 1, 2003. The fee for importation of fuel oil is increased from \$.005 to \$.01 per gallon. This fuel oil recovery program has approved claims awaiting funds hence the need for an increase in revenue to the Fuel Oil Discharge Clean-up Fund. The amendment adds fuel oil tank recovery costs up to \$1,000 upon proof of financial need. Vote 24-0.

#### **Amendment (0549h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee, allowing coverage for discharge prevention, and allowing reimbursement for replacing substandard tanks.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 9:



5 Funding for Release Prevention Authorized. Amend RSA 146-E:1 to read as follows:

146-E:1 Purpose. The general court finds that discharges of fuel oil represent a potential serious health and safety problem to the citizens of New Hampshire and a threat to the quality of the groundwaters and surface waters of the state. In addition, the cost of cleanup of fuel oil discharges is a significant economic burden for which economic assistance is otherwise not available. The purpose of this chapter is to establish a fund to be used in addressing the costs incurred in the *prevention and* cleanup of fuel oil discharges.

6 Funding for Release Prevention Authorized. Amend RSA 146-E:3, I to read as follows:

I. There is established a fuel oil discharge cleanup fund, which shall be administered by the oil fund disbursement board established under RSA 146-D:4. This fund shall be used to reimburse costs incurred in the *prevention and* cleanup of fuel oil discharges in the waters and soils of the state, including administrative, technical and legal support required by the oil fund disbursement board in administering the fund, and in paying third party damages.

7 On-Premise-Use Facilities; Reimbursement for Replacement Authorized. Amend RSA 146-E:6, II to read as follows:

II. Owners of facilities or land eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of on-site and off-site cleanup of fuel oil discharges in amounts not to exceed a total of \$500,000, incurred on or after October 1, 1992. *Owners of on-premise-use facilities or land eligible under this chapter who have demonstrated financial need, may apply for reimbursement of costs to meet the requirements of RSA 146-E:4, I and II in amounts not to exceed a total of \$1,000, incurred on or after July 1, 1999.*

8 Funding for Release Prevention Limited. Amend RSA 146-E:6, VI to read as follows:

VI. Costs of new ~~[tanks and associated piping]~~ *bulk storage facilities or new on-premise-use facilities subject to regulation under RSA 146-C*, or repairs to *such* existing ~~[tanks and associated piping]~~ *facilities*, shall not be considered eligible costs under this chapter.

#### AMENDED ANALYSIS

This bill:

I. Extends the date of the repeal of the motor oil discharge cleanup fund and the transfer of money in the fund to the oil pollution control fund.

II. Increases the fuel oil discharge cleanup fee and requires the transfer of \$1,000,000 from the oil pollution control fund to the fuel oil discharge cleanup fund.

III. Allows coverage for on-premise-use facilities release prevention.

IV. Allows limited reimbursement to tank owners for the costs of replacing or upgrading sub-standard tanks.

Adopted.

Report adopted and ordered to third reading.

**HB 572-FN-A**, relative to the apportionment provisions of the business profits tax. **OUGHT TO PASS** Rep. Kenneth L. Weyler for Finance: For multi-state businesses that have a commercial presence in New Hampshire there is a formula that apportions the business profits tax to the New Hampshire activity. Said formula uses property, compensation, and sales, but under a temporary law the sales piece is multiplied by 2. After July 1, 1999, the multiplier will revert to 1.5 unless this bill is passed maintaining the double weighting.

Testimony emphasized the importance of the sales factor over the other two components and was in support of the bill. The committee had heard testimony on another bill which used only the single factor of sales in computing apportionment. That option may occur if the other bill passes.

The number of businesses affected by this bill is about 6,800. The net effect of reverting to a 1.5 multiplier would be a loss of \$2 million to the business profits tax. Vote 24-0.

Adopted and ordered to third reading.

#### MOTION TO SPECIAL ORDER

Rep. Mock moved that **CACR 22**, relating to 7-year terms for state judges, providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed, be made a Special Order for the next session day in the regular calendar order and spoke in favor.

Adopted.

**REGULAR CALENDAR (CONT'D.)****HB 623-FN**, increasing the mileage reimbursement rate for members of the legislature. **INEXPEDIENT TO LEGISLATE**

Rep. Michael D. Whalley for Legislative Administration: This bill would raise the mileage rate received by legislators to 42 cents per mile for the first 60 miles and to 26 cents for every mile above that. Current rates are 38 cents for the first 45 miles and 19 cents for every mile in excess thereof. This bill would also make these changes retroactive to January 1, 1999. The fiscal note did not establish the actual annual cost of these increases. We are currently in the first year of offering two options to members for mileage reimbursement. As we work to resolve issues which have occurred during this transition, we should not revise the program and its payment schedule in mid-stream, particularly when the cost of the additional payments is unknown. The many other significant issues which will require assistance from our state treasury this year was another factor which led the majority of the committee to recommend that this bill be found Inexpedient to Legislate. Vote 12-2.

Adopted.

**HB 279-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Giovanni M. Verani for the Majority of Public Works and Highways: The majority of the committee, although sympathetic to the sponsors' requests, found that the removal of the tolls on the Cheshire bridge would bring about far reaching fiscal impacts to the 10 Year Highway Plan, as well as other funding issues. This issue has been before the House on several prior occasions, and keeping in mind that the toll was first established to help keep the bridge open without weight restrictions, the committee had the same feeling as in the past. This toll bridge is not popular in the area, however, there is light at the end of the tunnel because, as soon as the bonds are paid off, the toll will end. The original time line saw the toll removed in 2012, but the current projection predicts 2005, because revenues are better than expected. Vote 10-7.

Rep. John R. Cloutier for the Minority of Public Works and Highways: The minority feels it is time to abolish tolls on what remains the last toll bridge in the State of New Hampshire. Abolishing the tolls would not only help the average citizen in southwestern New Hampshire, but also spur more economic development by attracting business to expand or relocate to the area. More economic development would result in more property tax revenue for communities like Charlestown, as well as more business tax revenue for the state.

Reps. Phinizy and Cloutier spoke against.

Reps. Young and Flint spoke against and yielded to questions.

Reps. Edwin Smith, Morse and Chandler spoke in favor and yielded to questions.

Rep. Edwin Smith requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 179 NAYS 178**

**YEAS 179**

**BELKNAP**

Bartlett, Gordon  
Lawton, David

Boriso, Thomas  
Thomas, John

Boyce, Robert  
Turner, Robert

Holbrook, Robert  
Wendelboe, Francine

**CARROLL**

Bradley, Jeb  
Mock, Henry  
Torresen, Gary

Chandler, Gene  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy  
Sullivan, P Judith

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene

Alger, John  
Eaton, Stephanie  
Mirski, Paul

Almy, Susan  
Gilman, G Michael  
Picconi, Al

Cobb, John  
MacNeil, Allen  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Burkush, James  
Clegg, Robert, Jr  
Daniels, Gary  
Durham, Susan  
Fletcher, Richard  
Goley, Jeffrey  
Jean, Loren  
Lozeau, Donnalee  
McCarty, Winston  
Milligan, Robert  
Pappas, Marc  
Reeves, Sandra  
Thulander, O Alan  
Wither, Dennis

Andrews, Frederick  
Belvin, William  
Calawa, Leon, Jr  
Coughlin, Pamela  
Dawe, Eileen  
Dyer, Merton  
Flora, Kathleen  
Goulet, Maurice  
Kurk, Neal  
MacGillivray, Jeffrey  
McGough, Tim  
Moran, Edward  
Pepino, Leo  
Rowe, Robert  
Vaillancourt, Steve

Arnold, Thomas, Jr  
Brundige, Robert  
Carlson, Donald  
Daigle, Robert  
Desmarais, Vivian  
Emerton, Lawrence  
Ford, Nancy  
Herman, Keith  
Lefebvre, Roland  
Martel, Andre  
McRae, Karen  
O'Connell, Timothy  
Perkins, Paul  
Sargent, Maxwell  
Wall, Nancy

Batula, Peter  
Bruno, Pierre  
Chabot, Robert  
Dalianis, Griffin  
Desrosiers, William  
Fenton, James  
Franks, Suzan  
Holley, Sylvia  
Lessard, Rudy  
Martin, Mary  
Mercer, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Tate, Joan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Leber, William  
Maxfield, Roy  
Whittemore, James

Brewster, Richard  
Hoadley, Elizabeth  
Lockwood, Priscilla  
Nichols, Avis

Chase, George  
Kennedy, Richard  
Marple, Richard  
Soltani, Tony

Davis, Francis  
Langer, Ray  
Marshall, Kenneth  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Cote, Patricia  
Downing, Michael  
Francoeur, Sheila  
Hamel, Albert  
Kobel, Rudolph  
Mikowski, Walter  
Nowe, Ronald  
Quandt, Marshall  
Ruffner, Walter  
Tufts, J Arthur  
Weyler, Kenneth

Beaulieu, Jon  
Case, Margaret  
Cox, Russell  
Fesh, Robert  
Gleason, John  
Henderson, Warren  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Rabideau, Marie  
Stickney, Nancy  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Christie, Andrew, Jr  
DiFruscia, Anthony  
Flanagan, Natalie  
Grant, Kenneth  
Katsakiores, George  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Raynowska, Bernard  
Stone, Joseph  
Weare, Everett

Bishop, Franklin  
Clark, Vivian  
Dowling, Patricia  
Flanders, John, Sr  
Griffin, Mary  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Mary Lou  
Priestley, Anne  
Reardon, Neil  
Sytek, Donna  
Welch, David

**STRAFFORD**

Berube, Roger  
McKinley, Robert  
Wall, Janet

Cossette, Larry  
Musler, George  
Woods, Phyllis

Dunlap, Patricia  
Torr, Franklin

Keans, Sandra  
Vincent, Francis

**SULLIVAN****NAYS 178****BELKNAP**

Johnson, James  
Rice, Thomas

Lawton, Robert  
Rosen, Ralph

Millham, Alida  
Wood, Jane

Pilliod, James

**CARROLL**

Babson, David, Jr                      Dickinson, Howard

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Zerba, Roger			

**COOS**

Glines, Sara	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Rodrigue, Robert	Woodward, David		

**GRAFTON**

Brothers, Richard	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Harmon, Hobart	Hinman, Harry	Johnson, Gary
Nordgren, Sharon	Phinney, William	Scanlan, David	Ward, Brien

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Bergin, Peter	Buckley, Raymond	Christiansen, Lars	Cote, David
Cote, Peter	Craig, James	Curran, James	Dokmo, Cynthia
Dwyer, Paul, Sr	Fields, Dennis	Foster, Linda	Gagnon, Paul
Garrish, Linda	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lynde, Harold	McCarthy, William
McColgan, Philip, Jr	McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold
Mendenhall, Leslie	Messier, Irene	Moriarty, Mary	Murphy, Robert
Ouellette, Dean	Reidy, Frank	Sarette, John	Simon, Anthony
Turgeon, Roland	White, John	Williams, Carol	

**MERRIMACK**

Asplund, Bronwyn	Bouchard, Candace	Crosby, Toni	Daneault, Gabriel
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Jacobson, Alf	Larrabee, David, Sr	Lavoie, Gerard
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Clark, Martha	Corbin, C David	Dalrymple, Janeen
Dunham, Vivian	Gibbons, Paul	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Langley, Jane
Langone, John	Lovejoy, Marian	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Putnam, Ed, II	Rubin, George	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Vaughn, Charles	Whittier, John	

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Gilmore, Gary	Grassie, Anne	Heon, Richard	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	Lundborn, Raymond
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis		

## SULLIVAN

Allison, David  
 Flint, Gordon, Sr  
 Phinizy, James

Burling, Peter  
 Jones, Constance  
 Tuthill, John

Cloutier, John  
 Kibbey, David  
 Young, David

Donovan, Thomas, Jr  
 Leone, Richard

and the majority report was adopted.

## RECESS

(Speaker Sytek in the Chair)

## REGULAR CALENDAR (CONT'D.)

**HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leon Calawa, Jr. for Public Works and Highways: This bill is a cost savings plan. With the recent leasing of two buildings (one to the Department of Revenue Administration and the other to the Liquor Commission) at an average of \$13.50 per square foot, the operating cost of Johnson Hall is just \$6.14 per square foot. It is less than half the cost of the two new leases, and we are reusing very well built brick buildings located on the New Hampshire Hospital Grounds. The Brown Building was rehabilitated for \$63.00 per square foot. When we compare this cost to the cost of the new Court Office Building at \$103.00 per square foot, these startling figures show a savings of 40% by just using the assets we already own. The Walker Building was appraised for \$6 million four years ago. The time is now to fix the roofs, plywood the windows and seal the building from water damage. The Committee believes we should take this important step forward as it is in the best fiscal interest for the state and it looks at this project as a revenue saving measure, not a spending issue. Vote 17-0.

## Amendment (0193h)

Amend the bill by replacing section 2 with the following:

2 Appropriation: Department of Transportation; Rehabilitation of New Hampshire Hospital's Walker Building. The sum of \$340,000 is appropriated to the department of transportation for the fiscal year ending June 30, 1999 for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and referred to Finance.

**HB 482**, relative to a study of tolls on the turnpike system. **INEXPEDIENT TO LEGISLATE**

Rep. Charles W. Morse for Public Works and Highways: This bill would study the impact of eliminating tolls on the turnpike system and replacing the revenue with an increase in the gas tax. There was testimony from the committee and from the Department of Transportation that many recent studies have been completed, and that the gas tax would have to be raised by 15-18 cents to replace toll revenue. The committee felt that further studies are not needed, and an increase of this amount would have an adverse affect on the state's fuel sales. Vote 16-1.

Adopted.

**HB 617-FN-A-L**, relative to funding and monitoring seacoast harbor issues. **OUGHT TO PASS**

Rep. Winston H. McCarty for Public Works and Highways: This bill, having had a thorough and extensive study by a prestigious committee of Senate and House members, provides the funding for harbor dredging and pier maintenance from boat fees, registrations, and a share of the unrefunded road tolls. These needs occur with some irregularity as the result of storms and water flow, and need attention without waiting for the legislature to provide the funding. The projects will be the responsibility of the New Hampshire Port Authority with prior approval of Capital Budget Overview Committee. This bill also transfers the commercial fish piers in Portsmouth, Rye Harbor and Hampton Harbor from the Department of Resources and Economic Development to New Hampshire State Port Authority. Both departments approved this transfer. This places all the responsibility of the harbors and piers in one department. Further pro-

visions are also made to study the feasibility of mutual use of Coast Guard facilities and a study of waterfront erosion. Both the study and House committees were unanimous in this decision. Vote 16-0.

Adopted and referred to Finance.

**HB 426**, relative to clean indoor air in state buildings. **OUGHT TO PASS WITH AMENDMENT** Rep. Terie T. Norelli for Science, Technology and Energy: This housekeeping bill was a request of the Department of Health and Human Services for the purpose of clarifying the definitions of "office space," "building renovation" and "building addition" relative to spaces in state buildings required to meet clean air standards. Vote 15-1.

#### Amendment (0417h)

Amend RSA 10-B:1, II as inserted by section 2 of the bill by replacing it with the following:

II. "Office space" means an area within a building occupied for 4 or more hours each work-day by one or more state employees whose primary functions include supervision, administration, clerical support, retail sales, or instruction. "Office space" shall not include laboratories, vehicle repair facilities, machine shops, or medical treatment areas, and shall not include any other areas where the department of health and human services determines that the air quality contaminants created by the activity in the area are appropriately regulated by other state or federal authorities.

Amend RSA 10-B:1, IV as inserted by section 2 of the bill by replacing it with the following:

*IV. "Building renovation" means either the interior components of a building have been removed and replaced with new components, or the existing interior components have been reconstructed, where the total cost of alterations amounts to 50 percent or more of the replacement value of the building.*

Adopted.

Report adopted and ordered to third reading.

**HB 70**, relative to increasing the fines for violating the child passenger restraint law. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: The intent of this bill is to double the fines on first and second offense, and create a third or subsequent offense for failing to wear a passenger restraint. This bill was difficult for the committee since the passage of HB 94 made the violation of mandatory seat belt usage a primary offense. Testimony during executive session revealed that drivers who lost their licenses due to the under 20 law, paid an extraordinary amount of money to reinstate their privileges. The majority of the committee felt that adding this new fine schedule to the list would be a draconian measure. Vote 16-4.

Rep. Letourneau spoke in favor.

Adopted.

**HB 320-FN**, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour. **INEXPEDIENT TO LEGISLATE**

Rep. George N. Katsakiores for Transportation: Testimony from the Commissioner of the Department of Transportation, the Director of Highway Safety and the AAA representative indicated that to best live up to the required highway speeds based on public safety, the current interstate speed limits are proper and in the best interest of our constituencies. Studies addressing speed limits are based on consideration for safe and reasonable speeds under favorable road traffic and weather conditions. The rationale for government regulation of speed is based on the fact that unreasonable speed may cause damage and injury. Speed laws also provide a basis for punishing the unreasonable behavior of an individual driver. The majority of the committee opposed this bill. Sufficient documented evidence was presented substantiating the majority's position. Vote 12-7.

Reps. Vaillancourt and Sabella spoke against and yielded to questions.

Reps. Akins and Lozeau spoke in favor and yielded to questions.

Rep. George Katsakiores spoke in favor.

Rep. Letourneau requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 212 NAYS 139****YEAS 212****BELKNAP**

Bartlett, Gordon  
 Pilliod, James  
 Wendelboe, Francine

Holbrook, Robert  
 Rosen, Ralph  
 Wood, Jane

Lawton, Robert  
 Thomas, John

Millham, Alida  
 Turner, Robert

**CARROLL**

Bradley, Jeb  
 MacDonald, Kenneth  
 Torressen, Gary

Chandler, Gene  
 Mock, Henry

Dickinson, Howard  
 Patten, Betsey

Lyman, L Randy  
 Philbrick, Donald

**CHESHIRE**

Burnham, Daniel  
 Riley, William  
 Russell, Ronald

Lerandeau, Alfred  
 Roberts, William  
 Smith, Edwin

Lynch, Margaret  
 Rose, William  
 Zerba, Roger

Lynott, Margaret  
 Royce, H Charles

**COOS**

Davis, Perley  
 Mears, Edgar  
 Woodward, David

Guay, Lawrence  
 Pratt, Leighton

Hawkinson, Marie  
 Rodrigue, Robert

Horton, Lynn  
 Tholl, John, Jr

**GRAFTON**

Akins, Ralph  
 Dudley, Terri  
 Johnson, Gary  
 Nordgren, Sharon  
 Ward, Brien

Alger, John  
 Eaton, Stephanie  
 LaMott, Paul  
 Phinney, William

Almy, Susan  
 Guest, Robert  
 MacNeil, Allen  
 Picconi, Al

Brothers, Richard  
 Harmon, Hobart  
 Marshall, Gene  
 Scanlan, David

**HILLSBOROUGH**

Andrews, Frederick  
 Belvin, William  
 Carlson, Donald  
 Cote, Peter  
 Dawe, Eileen  
 Durham, Susan  
 Fletcher, Richard  
 Franks, Suzan  
 Hall, Betty  
 Johnson, Lionel  
 LaRose, Richard  
 Lessard, Rudy  
 McGough, Tim  
 Milligan, Robert  
 Pepino, Leo  
 Tate, Joan  
 White, Donald

Arthur, Rose  
 Bergin, Peter  
 Chabot, Robert  
 Coughlin, Pamela  
 Desmarais, Vivian  
 Dyer, Merton  
 Flora, Kathleen  
 Garrish, Linda  
 Hansen, Herbert  
 Keye, Harvey  
 Lasky, Bette  
 Lozeau, Donnalee  
 Mendenhall, Leslie  
 Moriarty, Mary  
 Peterson, Andrew  
 Thulander, O Alan  
 Withee, Dennis

Batula, Peter  
 Brundige, Robert  
 Christiansen, Lars  
 Curran, James  
 Desrosiers, William  
 Emerton, Lawrence  
 Ford, Nancy  
 Gorman, Mary  
 Holley, Sylvia  
 Kurk, Neal  
 Leishman, Peter  
 Martel, Andre  
 Mercer, Robert  
 O'Connell, Timothy  
 Reeves, Sandra  
 Turgeon, Roland

Beaupre, Roland  
 Calawa, Leon, Jr  
 Cote, David  
 Daigle, Robert  
 Dokmo, Cynthia  
 Fields, Dennis  
 Foster, Linda  
 Goulet, Maurice  
 Jean, Claudette  
 L'Heureux, Robert  
 Leonard, Peter  
 Martin, Mary  
 Messier, Irene  
 O'Hearn, Jane  
 Rowe, Robert  
 Wall, Nancy

**MERRIMACK**

Asplund, Bronwyn  
 Daneault, Gabriel  
 Gile, Mary  
 Langer, Ray  
 Marshall, Kenneth  
 Potter, Frances  
 Whalley, Michael

Bouchard, Candace  
 Davis, Francis  
 Hager, Elizabeth  
 Larrabee, David, Sr  
 Maxfield, Roy  
 Rodd, Beth  
 Whittemore, James

Chase, George  
 Fraser, Marilyn  
 Hoadley, Elizabeth  
 Leber, William  
 Moore, Carol  
 St Cyr, Gerard  
 Yeaton, Charles

Crosby, Toni  
 French, Barbara  
 Jacobson, Alf  
 Lockwood, Priscilla  
 Owen, Derek  
 Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Bishop, Franklin	Case, Margaret
Christie, Andrew, Jr	Cote, Patricia	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Flanders, John, Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Priestley, Anne	Putnam, Ed, II	Quandt, Marshall	Ruffner, Walter
Shultis, Elizabeth	Stickney, Nancy	Stone, Joseph	Tufts, J Arthur
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Brown, George	Callaghan, Frank	Cossette, Larry	Heon, Richard
Knowles, William	Lent, Donald	McKinley, Robert	Pelletier, Arthur
Rollo, Michael	Vachon, Dennis	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Cloutier, John	Donovan, Thomas, Jr	Jones, Constance	Phinizy, James
Tuthill, John			

**NAYS 139****BELKNAP**

Boyce, Robert	Johnson, James	Lawton, David	Rice, Thomas
Salatiello, Thomas			

**CARROLL**

Babson, David, Jr	Kenney, Joseph	Sullivan, P Judith
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**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Doucette, Richard
Hunt, John	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Robertson, Timothy

**COOS**

Glines, Sara	Landers, Dana	Merrill, Gerald
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**GRAFTON**

Cobb, John	Copenhaver, Marion	Densmore, Jessica	Gilman, G Michael
Hall, David	Ham, Bonnie	Hinman, Harry	Mirski, Paul
Weber, Phil			

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Arnold, Thomas, Jr	Bergeron, Lucien
Bruno, Pierre	Buckley, Raymond	Burkush, James	Clegg, Robert, Jr
Craig, James	Dalianis, Griffin	Daniels, Gary	Dwyer, Paul, Sr
Fenton, James	Gagnon, Paul	Goley, Jeffrey	Haettenschwiller, Alphonse
Herman, Keith	Jean, Loren	Konys, Christine	Lynde, Harold
MacGillivray, Jeffrey	McCarthy, William	McColgan, Philip, Jr	McRae, Karen
Melcher, Harold	Moran, Edward	Murphy, Robert	Ouellette, Dean
Pappas, Marc	Perkins, Paul	Reidy, Frank	Sarette, John
Simon, Anthony	Vaillancourt, Steve	White, John	Williams, Carol



**MERRIMACK**

Anderson, Eric	Brewster, Richard	Feuerstein, Martin	Fortnam, Janet
Kennedy, Richard	Lavoie, Gerard	Marple, Richard	Nichols, Avis
Poulin, Dave	Reardon, Tara	Seldin, Gloria	Soltani, Tony
Virtue, Carolyn			

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Bridle, Russell	Clark, Martha
Clark, Vivian	Corbin, C David	Cox, Russell	Fesh, Robert
Flanagan, Natalie	Flanders, David	Grant, Kenneth	Hutchinson, Karen
Kane, Cecelia	Kelley, Jane	Langley, Jane	Langone, John
Lovejoy, Marian	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Rubin, George
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Splaine, James	Vaughn, Charles	Verani, Giovanni	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Lundborn, Raymond	Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Torr, Franklin	Twardus, Joseph
Vincent, Francis			

**SULLIVAN**

Allison, David	Burling, Peter	Flint, Gordon, Sr	Kibbey, David
Leone, Richard	Young, David		

and the report was adopted.

Rep. James McDonald declared a conflict of interest and did not participate.

**HB 656**, relative to the use of personal watercraft on Beaver Lake in the town of Derry. **INEXPEDIENT TO LEGISLATE**

Rep. Pierre W. Bruno for Transportation: This bill seeks to prohibit the use of personal watercraft (e.g., jet skis) on Beaver Lake in the town of Derry. Beaver Lake is a state lake, and as a state lake, public access is maintained. The committee has compassion for any Beaver Lake resident who would like to ban the use of particular watercraft. Nonetheless, the majority of the committee agreed that imposing such a discriminatory ban on a single type of watercraft would not be appropriate for statute. The department of safety has a hearing process to remedy requests for specific prohibitions, such as those sought by this bill on state lakes. Vote 14-5.

Adopted.

**HB 676-FN-A**, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor. **OUGHT TO PASS**

Rep. Sherman A. Packard for Transportation: This bill was introduced to accomplish two goals. During the last year, the department of environmental services has worked closely with the department of safety in crafting a response to federal requirements under the Clean Air Act for a comprehensive vehicle emissions testing program in three New Hampshire counties. In place of an onerous enhanced inspection/maintenance (I/M) program, New Hampshire successfully negotiated with the U.S. Environmental Protection Agency (EPA) an environmentally superior and more cost-effective package of air pollution reduction strategies, including implementation of the Enhanced Safety Inspection and Diesel Opacity Testing programs. Federal statute typically requires enforcement of enhanced I/M programs to be based on registration denial, a mechanism that DES and DOS regard as unworkable in New Hampshire, and have strongly opposed. As part of New Hampshire's alternative approach, DOS instead committed to establishing additional enforcement capacity for its motor vehicle inspection programs, including the new Enhanced Safety Inspection and Diesel Opacity Testing components. This bill will provide DOS with resources to fulfill this commitment.

This bill will also help ensure that the regular safety inspections are being done properly creating safer highways. To offset the expense, the fee for inspection stickers will be increased by 25 cents. The NH Auto Dealers Association, NH Motor Transport Association, DES and DOS endorsed this bill. Vote 20-0.

Adopted and referred to Finance.

**HB 704-FN-A**, establishing a wildlife damage control program to prevent and redress damage to certain commercial agricultural property, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: This bill has been around for three or more sessions. Each time the Fish and Game Department and the Wildlife and Resource Committee worked very hard for a solution to no avail. After 12 hours of hearings, several hours of subcommittee work as well as four hours of Executive Committee discussion, all parties involved agreed to most of the items in question, i.e. the amount of money. For a fencing program; the split of 75% paid by Fish and Game; 25% paid by growers; and immediate possession of two depredation permits. The only item that was not agreeable to all parties was the repeal of RSA 207:22 and 207:23 (damage by game birds). Vote 13-5.

#### **Amendment (0424h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a wildlife damage control program and making an appropriation therefor. Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Findings and Purpose. The general court finds that wild animals are a valuable ecological, recreational, and economic resource enjoyed by New Hampshire citizens and by visitors to the state, however, the general court notes that damage to agricultural and horticultural products by game and other wild animals often creates conflicts and economic losses. The general court further finds that as a consequence of continued growth in New Hampshire's human population and development patterns that result in frequent contacts between people and wildlife, as well as increases in some wildlife populations, demands to address conflicts may be expected to increase in the future. Therefore, a wildlife damage control program is hereby formally established to minimize the effects of wild animals on agriculture, human health and safety, property, and natural resources by providing educational and technical advice and recommendations to all citizens while conserving the wildlife resources of the state.

2 Subdivision Heading Changed. The subdivision heading preceding RSA 207:22 is repealed and reenacted to read as follows:

**Wildlife Damage Control**

3 Limitations for Persons Posting Property. RSA 207:22-a is repealed and reenacted to read as follows:

207:22-a Limitations for Persons Posting Property. Any person whose land is posted pursuant to RSA 635:4 to prohibit hunting shall forfeit the right to participate in the wildlife damage control program established pursuant to RSA 207:22-c, or to receive payment pursuant to RSA 207:23-a, except that this limitation shall not apply in the following circumstances:

I. To a person who posts only the person's land lying within 100 yards of a dwelling or other farm or outbuildings contiguous to the person's dwelling and used regularly by the person, or the person's family or tenant.

II. To any person whose land is posted for the protection of crops only during the closed season for the type of game birds or animals for which the person seeks assistance from the wildlife damage control program.

III. To any person who posts such person's land "Hunting by Permission Only", provided that the names and addresses of the hunters who have received permission to hunt that land in that year shall be furnished when requested by the executive director, and that in the judgment of the executive director, the history of hunter access and hunter density represents a good-faith effort by the landowner to allow hunting.

4 New Sections; Wildlife Damage Control Program; Advisory Board Established. Amend RSA 207 by inserting after section 22-a the following new sections:

207:22-b Wildlife Damage Control Advisory Board.

I. There is established a wildlife damage control advisory board which shall consist of the following members:

(a) The executive director of the fish and game department, or designee, who shall act as chairperson.

(b) The commissioner, department of agriculture, markets, and food, or designee.

(c) The director for New Hampshire of the United States Department of Agriculture, Animal and Plant Health Inspection Services, Wildlife Services, or designee.

(d) A fish and game commissioner appointed each fiscal year by the chairperson of the commission.

(e) The executive director of the New Hampshire Farm Bureau Federation.

II. The board shall have responsibility for the duties designated to the board under RSA 207:22-c, II.

III. The chairperson of the board shall submit an annual report by October 1 of each year, beginning in 1999, to the governor, the senate president, the speaker of the house, and the chairpersons of each of the senate and house standing committees having jurisdiction over wildlife and agriculture matters, relative to all receipts and disbursements of the wildlife damage control program established in RSA 207:22-c.

207:22-c Wildlife Damage Control Program; Administration. There is established a wildlife damage control program which shall be administered by the executive director in cooperation with the United States Department of Agriculture and the New Hampshire department of agriculture, markets, and food. The program shall emphasize a comprehensive approach that integrates wildlife management and wildlife control methods and strategies and shall respond to conflicts between wildlife and human populations by stressing the importance of prevention of damage by initiating one or more of the following courses of action:

I. A general wildlife damage mitigation program:

(a) The general wildlife damage mitigation program shall address conflicts between wildlife and human populations by disseminating educational and technical information, and providing assistance. The program may make available various repellents, institute the loan of direct control device and materials including electric fences and frightening devices, and make referrals to nuisance wildlife cooperators.

(b) Actions under this paragraph shall be of a temporary nature and may include any other nuisance control methods available, as determined by the executive director, or designee.

II. A cooperative fencing program:

(a) Commercial growers may participate in a cost-share-fencing program on a 75 percent state to 25 percent commercial grower cost share basis. Under this program, the executive director may provide payment from funds designated for this program in the fish and game fund to an eligible commercial grower for the purchase of fencing materials and their installation, provided the commercial grower's participation and eligibility has been approved by the wildlife damage control advisory board.

(b) Commercial growers desiring to participate in the 75/25 cost share program shall submit written applications to the executive director in such manner as prescribed by the executive director on or before May 1 of each year.

(c) Maintenance costs of installed fences shall be the responsibility of the applicant.

(d) The wildlife damage control advisory board shall determine on an annual basis no later than June 30 of each year the recipients of the fencing moneys for the ensuing year. The board will make its determinations based on urgency of need for damage relief and any other factors necessary to ensure a fair and equitable allocation of funds. The decisions of the board shall be final.

(e) The failure of a commercial grower to properly install and maintain fencing purchased under this paragraph shall make the commercial grower ineligible to participate in this program until such time as approved by a majority of the wildlife damage control advisory board.

(f) The executive director shall adopt rules pursuant to RSA 541-A to implement and execute the cooperative fencing program, which may include but not be limited to eligibility criteria, fencing specifications, funding levels, and inspection procedures.

(g) The provisions and penalties of RSA 641 concerning false statements shall apply to all reporting and documentation required pursuant to this paragraph.

(h) For purposes of this paragraph, a "commercial grower" means any person who grows an agricultural or horticultural crop from which the person has derived, or reasonably expects to derive an annual gross income from the sale of crops normally produced of at least \$2500.

### III. A depredation permit program:

(a) The executive director shall adopt rules, pursuant to RSA 541-A, regulating the issuance of depredation permits to kill animals causing damage to commercial crops. Such rules shall address the method and manner of taking animals, the disposition of animals taken under such permits, as well as the qualifications necessary to participate in the program. Such qualifications shall include, but not be limited to, the provision of information concerning the history of damage, the record of preventative methods used in the past, and the public hunting access history.

(b) The depredation permit program shall include the issuance of 2 pre-damage deer kill permits to commercial growers as defined in RSA 207:22-c, II(h) upon request to the director. Issuance of pre-damage deer kill permits will facilitate protection of qualifying crops at the onset of deer visitation to said crops. Any deer taken under this provision shall be subject to investigation by the local conservation officer to determine whether or not the potential existed at the time of taking for damage to have occurred. Any additional depredation permits shall be issued following the procedures in this paragraph.

5 Application of Section Limited; Appeal to Superior Court. Amend RSA 207:24 to read as follows: 207:24 Appeal from Executive Director. If the person sustaining the damage *pursuant to RSA 207:23-a* is dissatisfied with the finding of the executive director, either as to the cause of the damage or the amount thereof, ~~he~~ *the person* may appeal therefrom within 30 days ~~[of the receipt by him of notice thereof, by filing a statement to that effect with the executive director, and his damages shall thereupon be determined as to the cause and the amount by an impartial board of 3 men designated by the governor]~~ *to the superior court in the county where the damage was sustained.*

6 Depredation Permit Required. Amend RSA 207:26 to read as follows:

207:26 Killing by Land Owner of Bird or Animal Inflicting Damage. A person may pursue, wound or kill, on land owned or occupied by ~~him~~ *such person*, any ~~wild~~ *unprotected* bird or wild animal which ~~he~~ *the person* finds in the act of doing actual and substantial damage to poultry, *crops, domestic animals*, or ~~his~~ *the person's* property, and ~~he~~ may authorize a *family* member ~~[of his family or a person employed by him], employee, or other person requested~~ to do so under the provision of ~~[written authority or direction from]~~ *a depredation permit issued by the executive director pursuant to RSA 207:22-c, III.*

7 Discretion of Executive Director. Amend RSA 207:29 to read as follows:

207:29 Disposition of Game, etc., Killed. Any game or fur-bearing animal killed or wounded as provided in this subdivision shall, in the discretion of the executive director, be returned to the person who killed the same ~~or~~, be given to some charitable institution, *or otherwise disposed of.*

8 Reference Amended. Amend RSA 541-B:9, II to read as follows:

II. The board shall have original and exclusive jurisdiction to investigate, conduct hearings and make decisions, and render or deny awards on all claims under this chapter not exceeding \$5,000 against any agency, except those claims arising under workers' compensation, unemployment compensation, eminent domain proceedings, RSA 110-B:73, RSA ~~[207:22-25]~~ *207:23-a*, RSA 228:29, and RSA 491:8.

9 Appropriation; Funding.

I. There is hereby appropriated the sum of \$100,000 for the fiscal year ending June 30, 2000 and \$100,000 for the fiscal year ending June 30, 2001 from the fish and game fund to the fish and game department for the purpose of funding the wildlife damage control program, established in RSA 207:22-c.

II. There is hereby further appropriated the sums of \$100,000 for the fiscal year ending June 30, 2002, \$75,000 for the fiscal year ending June 30, 2003, and \$50,000 for each fiscal year ending June 30, 2004 to 2010. Such sums shall be appropriated from the fish and game fund to the fish and game department for the purpose of funding the wildlife damage control program established in RSA 207:22-c.

III. The executive director may accept and expend federal funds and funds from any other source that may be designated for wildlife damage control programs.

IV. The sums appropriated by this section shall not be used for any other purpose and shall be non-lapsing.

10 Repeal. The following are repealed:

- I. RSA 207:22, relative to damage by game birds.
- II. RSA 207:23, relative to damage by game.
- III. RSA 207:23-b, relative to preventative measures to alleviate damage.

11 Prospective Repeal. The following are repealed:

- I. RSA 207:22-a, relative to limitations for person posting property.
- II. RSA 207:22-b, relative to the wildlife damage control advisory board.
- III. RSA 207:22-c, relative to the wildlife damage control program.

12 Effective Date.

- I. Section 11 of this act shall take effect December 31, 2010.
- II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a wildlife damage control program and the wildlife damage control advisory board. This bill also repeals certain provisions relating to damage by game birds and game, and prospectively repeals the wildlife damage control program on December 31, 2010.

Adopted.

Reps. Melcher and Akins spoke against and yielded to questions.

Rep. Blaisdell spoke in favor.

Rep. Mock spoke in favor and yielded to questions.

Rep. Ronald Nowe requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 207 NAYS 145

#### YEAS 207

#### BELKNAP

Bartlett, Gordon	Boyce, Robert	Holbrook, Robert	Johnson, James
Lawton, David	Lawton, Robert	Millham, Alida	Rice, Thomas
Rosen, Ralph	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine	Wood, Jane		

#### CARROLL

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	

#### CHESHIRE

Blaisdell, Michael	Hunt, John	Lerandeau, Alfred	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin	Zerba, Roger	

#### COOS

Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Tholl, John, Jr	Woodward, David	

#### GRAFTON

Brothers, Richard	Copenhaver, Marion	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Harmon, Hobart	Hinman, Harry	Johnson, Gary
LaMott, Paul	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Phinney, William	Scanlan, David	Ward, Brien

#### HILLSBOROUGH

Alukonis, David	Batula, Peter	Belvin, William	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Chabot, Robert	Clegg, Robert, Jr	Cote, David
Cote, Peter	Coughlin, Pamela	Curran, James	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Dawe, Eileen	Desmarais, Vivian

Desrosiers, William  
Fields, Dennis  
Gagnon, Paul  
Goulet, Maurice  
Jean, Claudette  
L'Heureux, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
Mendenhall, Leslie  
Murphy, Robert  
Pepino, Leo  
Tate, Joan  
Withee, Dennis

Dokmo, Cynthia  
Fletcher, Richard  
Garrish, Linda  
Hansen, Herbert  
Jean, Loren  
LaRose, Richard  
Leonard, Peter  
Martel, Andre  
Mercer, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Thulander, O Alan

Dyer, Merton  
Flora, Kathleen  
Goley, Jeffrey  
Herman, Keith  
Konys, Christine  
Lasky, Bette  
Lessard, Rudy  
McColgan, Philip, Jr  
Milligan, Robert  
Ouellette, Dean  
Rowe, Robert  
Wall, Nancy.

Emerton, Lawrence  
Foster, Linda  
Gorman, Mary  
Holley, Sylvia  
Kurk, Neal  
Lefebvre, Roland  
Lozeau, Donnalee  
McGough, Tim  
Moriarty, Mary  
Pappas, Marc  
Simon, Anthony  
Williams, Carol

### MERRIMACK

Anderson, Eric  
Jacobson, Alf  
Moore, Carol

Asplund, Bronwyn  
Langer, Ray  
Nichols, Avis

Fortnam, Janet  
Leber, William  
Poulin, Dave

Hadley, Elizabeth  
Marple, Richard  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
Cote, Patricia  
Downing, Michael  
Flanders, John, Sr  
Henderson, Warren  
Letourneau, Robert  
Nowe, Mary Lou  
Pantelakos, Laura  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

Arndt, Janet  
Case, Margaret  
Cox, Russell  
Dunham, Vivian  
Francoeur, Sheila  
Katsakiores, George  
Major, Norman  
Nowe, Ronald  
Quandt, Marshall  
Sabella, Norma  
Vaughn, Charles  
Weyler, Kenneth

Beaulieu, Jon  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Fesh, Robert  
Gleason, John  
Katsakiores, Phyllis  
McKinney, Betsy  
Noyes, Richard  
Raynowska, Bernard  
Schanda, Frank  
Verani, Giovanni  
Whittier, John

Belanger, Ronald  
Clark, Martha  
Dowling, Patricia  
Flanders, David  
Griffin, Mary  
Kobel, Rudolph  
Mikowski, Walter  
O'Neil, Michael  
Reardon, Neil  
Stone, Joseph  
Weare, Everett

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Johnson, Nancy  
McKinley, Robert  
Torr, Franklin  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Rogers, Rose Marie  
Twardus, Joseph  
Woods, Phyllis

Brown, George  
Gilmore, Gary  
Knowles, William  
Rollo, Michael  
Vachon, Dennis

Callaghan, Frank  
Heon, Richard  
Lundborn, Raymond  
Spang, Judith  
Vincent, Francis

### SULLIVAN

Burling, Peter

Jones, Constance

### NAYS 145

### BELKNAP

None

### CARROLL

Babson, David, Jr  
Torresen, Gary

Dickinson, Howard

Philbrick, Donald

Sullivan, P Judith

### CHESHIRE

Avery, Stephen  
Lynott, Margaret  
Richardson, Barbara

Batchelder, Robert  
Meader, David  
Riley, William

Burnham, Daniel  
Mitchell, McKim  
Robertson, Timothy

Doucette, Richard  
Pratt, John

**COOS**

Davis, Perley	Glines, Sara	Landers, Dana	Pratt, Leighton
Rodrigue, Robert			

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Densmore, Jessica	Guest, Robert	Hall, David	Ham, Bonnie
Picconi, Al	Weber, Phil		

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Baroody, Benjamin	Beaupre, Roland	Bergeron, Lucien	Carlson, Donald
Christiansen, Lars	Craig, James	Durham, Susan	Dwyer, Paul, Sr
Fenton, James	Ford, Nancy	Franks, Suzan	Haettenschwiller, Alphonse
Hall, Betty	Johnson, Lionel	Keye, Harvey	Lynde, Harold
Martin, Mary	McCarthy, William	McDonald, James, Sr	McRae, Karen
Melcher, Harold	Messier, Irene	Moran, Edward	O'Connell, Timothy
Perkins, Paul	Reeves, Sandra	Reidy, Frank	Sarette, John
Turgeon, Roland	Vaillancourt, Steve	White, Donald	White, John

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Kennedy, Richard
Larrabee, David, Sr	Lavoie, Gerard	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Seldin, Gloria	Soltani, Tony	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Bridle, Russell	Clark, Vivian	Corbin, C David	DiFruscia, Anthony
Flanagan, Natalie	Gibbons, Paul	Grant, Kenneth	Hamel, Albert
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Langley, Jane	Langone, John	Lovejoy, Marian
Morse, Charles	Norelli, Terie	Pitts, Jacqueline	Priestley, Anne
Putnam, Ed, II	Rabideau, Marie	Rubin, George	Sapareto, Frank
Shelton, Richard	Shultis, Elizabeth	Stickney, Nancy	Varrell, Thomas
Zolla, William			

**STRAFFORD**

Bickford, David	Brown, Julie	DeChane, Marlene	Domingo, Baldwin
Estabrook, Iris	Kaen, Naida	Lent, Donald	Pelletier, Arthur
Pelletier, Marsha	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Kibbey, David	Leone, Richard	Phinzy, James	Tuthill, John
Young, David			

and the report was adopted.

Referred to Finance.

**LAIED ON THE TABLE**

Rep. Patten moved that **HB 550-L**, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of town meeting, be laid on the table.

Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HCR 8**, urging nonimplementation of the articles of the Kyoto Protocol on global climate change. **OUGHT TO PASS**

Rep. Richard Marple for State-Federal Relations and Veterans Affairs: It was the consensus of the majority of members that we should not "put the cart before the horse". In that, neither the President nor the Senate have ratified the matter under discussion, we should not be viewed as attempting to preempt the Federal government. Vote 11-1.

Rep. Tufts moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 430**, requiring anyone operating windshield wipers to also have on headlights. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would require anyone who is operating windshield wipers to also turn on their headlights. The committee recognizes the good intentions of the sponsors, and accepts that this should be common sense in foul weather. However, the committee is troubled by how this may be enforced. Could this unnecessarily endanger our law enforcement officers in foul weather? The committee also received compelling testimony from auto dealers during the executive session, revealing auto manufacturers are including lights-on all-times features in new automobiles, making it difficult to purchase a new vehicle without this feature. The committee agrees that this bill is not essential at this time. Vote 20-0.

Rep. Avery spoke against and yielded to questions.

Rep. Letourneau spoke in favor and yielded to questions.

Rep. Keith Herman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 249 NAYS 97****YEAS 249****BELKNAP**

Bartlett, Gordon  
Lawton, David  
Rosen, Ralph

Boyce, Robert  
Lawton, Robert  
Thomas, John

Holbrook, Robert  
Millham, Alida  
Turner, Robert

Johnson, James  
Rice, Thomas  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr  
Lyman, L Randy  
Philbrick, Donald

Bradley, Jeb  
MacDonald, Kenneth  
Torresen, Gary

Chandler, Gene  
Mock, Henry

Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Blaisdell, Michael  
Lynott, Margaret  
Smith, Edwin

Hunt, John  
Meader, David

Lerandeau, Alfred  
Rose, William

Lynch, Margaret  
Royce, H Charles

**COOS**

Guay, Lawrence  
Mears, Edgar  
Woodward, David

Hawkinson, Marie  
Merrill, Gerald

Horton, Lynn  
Pratt, Leighton

Landers, Dana  
Tholl, John, Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hall, David  
LaMott, Paul  
Phinney, William  
Weber, Phil

Almy, Susan  
Eaton, Stephanie  
Ham, Bonnie  
MacNeil, Allen  
Picconi, Al

Brothers, Richard  
Gilman, G Michael  
Harmon, Hobart  
Marshall, Gene  
Scanlan, David

Cobb, John  
Guest, Robert  
Hinman, Harry  
Mirski, Paul  
Ward, Brien



**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Arnold, Thomas, Jr	Arthur, Rose
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Curran, James
Daigle, Robert	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Franks, Suzan
Gagnon, Paul	Gorman, Mary	Goulet, Maurice	Haeltenschwiller, Alphonse
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Jean, Loren
Johnson, Lionel	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Lozeau, DonnaLee	MacGillivray, Jeffrey	Martel, Andre	Martin, Mary
McCarthy, William	McDonald, James, Sr	McGough, Tim	Mendenhall, Leslie
Mercer, Robert	Milligan, Robert	Moran, Edward	Moriarty, Mary
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sarette, John	Simon, Anthony	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy
White, Donald	White, John	Williams, Carol	Withee, Dennis

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Chase, George	Daneault, Gabriel
Feuerstein, Martin	Kennedy, Richard	Larrabee, David, Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Maxfield, Roy
Moore, Carol	Nichols, Avis	Owen, Derek	Poulin, Dave
Rodd, Beth	Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Whalley, Michael	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bridle, Russell	Christie, Andrew, Jr	Clark, Vivian	Corbin, C David
Cote, Patricia	Cox, Russell	Dalrymple, Janeen	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr	Gibbons, Paul	Gleason, John	Grant, Kenneth
Griffin, Mary	Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langone, John	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Morse, Charles	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Priestley, Anne
Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie	Reardon, Neil
Rubin, George	Ruffner, Walter	Sapareto, Frank	Schanda, Frank
Stickney, Nancy	Stone, Joseph	Tufts, J Arthur	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Berube, Roger	Bickford, David	Brown, Julie	Cossette, Larry
DeChane, Marlene	Estabrook, Iris	Heon, Richard	Lundborn, Raymond
McKinley, Robert	Pelletier, Arthur	Pelletier, Marsha	Smith, Marjorie
Torr, Franklin	Vachon, Dennis	Vincent, Francis	Wall, Janet
Woods, Phyllis			

**SULLIVAN**

Allison, David  
Leone, Richard

Donovan, Thomas, Jr  
Tuthill, John

Jones, Constance

Kibbey, David

**NAYS 97****BELKNAP**

Salatiello, Thomas

Wood, Jane

**CARROLL**

Dickinson, Howard

Sullivan, P Judith

**CHESHIRE**

Avery, Stephen  
Manning, Joseph  
Richardson, Barbara  
Russell, Ronald

Batchelder, Robert  
McGuirk, Paul  
Riley, William  
Zerba, Roger

Burnham, Daniel  
Mitchell, McKim  
Roberts, William

Doucette, Richard  
Pratt, John  
Robertson, Timothy

**COOS**

Davis, Perley

Rodrigue, Robert

**GRAFTON**

Alger, John  
Nordgren, Sharon

Copenhaver, Marion

Densmore, Jessica

Johnson, Gary

**HILLSBOROUGH**

Andrews, Frederick  
Foster, Linda  
Keye, Harvey  
McColgan, Philip, Jr  
Reidy, Frank

Buckley, Raymond  
Garrish, Linda  
Konys, Christine  
Melcher, Harold

Chabot, Robert  
Hall, Betty  
Lasky, Bette  
Messier, Irene

Ford, Nancy  
Jean, Claudette  
Lynde, Harold  
Perkins, Paul

**MERRIMACK**

Bouchard, Candace  
Fortnam, Janet  
Hoadley, Elizabeth  
Potter, Frances

Brewster, Richard  
French, Barbara  
Jacobson, Alf  
Reardon, Tara

Crosby, Toni  
Gile, Mary  
Langer, Ray  
Seldin, Gloria

Davis, Francis  
Hager, Elizabeth  
Marshall, Kenneth  
Whittemore, James

**ROCKINGHAM**

Bishop, Franklin  
Francoeur, Sheila  
Langley, Jane  
Raynowska, Bernard  
Vaughn, Charles

Case, Margaret  
Hamel, Albert  
Lovejoy, Marian  
Sabella, Norma

Clark, Martha  
Kane, Cecelia  
Pantelakos, Laura  
Shelton, Richard

DiFruscia, Anthony  
Kelley, Jane  
Pitts, Jacqueline  
Shultis, Elizabeth

**STRAFFORD**

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Rollo, Michael  
Twardus, Joseph

Brown, George  
Gilmore, Gary  
Knowles, William  
Snyder, Clair

Callaghan, Frank  
Johnson, Nancy  
Lent, Donald  
Spang, Judith

Domingo, Baldwin  
Kaen, Naida  
Rogers, Rose Marie  
Taylor, Kathleen

**SULLIVAN**

Burling, Peter  
Young, David

Cloutier, John

Flint, Gordon, Sr

Phinizy, James

and the report was adopted.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Gleason moved that the House reconsider its action whereby it voted **HB 279-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge, Inexpedient to Legislate.

Reps. McGuirk and Young spoke in favor.

Rep. Chandler spoke against.

Rep. Edwin Smith requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 187 NAYS 157**

**YEAS 187**

**BELKNAP**

Johnson, James  
Salatiello, Thomas

Lawton, David  
Wood, Jane

Millham, Alida

Rosen, Ralph

**CARROLL**

Babson, David, Jr

Dickinson, Howard

**CHESHIRE**

Avery, Stephen  
Doucette, Richard  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Lerandeau, Alfred  
McGuirk, Paul  
Richardson, Barbara

Blaisdell, Michael  
Lynch, Margaret  
Meador, David  
Robertson, Timothy

Burnham, Daniel  
Lynott, Margaret  
Mitchell, McKim  
Russell, Ronald

**COOS**

Hawkinson, Marie

Landers, Dana

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Hall, David  
Mirski, Paul  
Ward, Brian

Copenhaver, Marion  
Ham, Bonnie  
Nordgren, Sharon

Densmore, Jessica  
Harmon, Hobart  
Phinney, William

Guest, Robert  
Johnson, Gary  
Scanlan, David

**HILLSBOROUGH**

Ahern, Richard  
Bruno, Pierre  
Cote, David  
Daigle, Robert  
Dwyer, Paul, Sr  
Garrish, Linda  
Jean, Claudette  
Konys, Christine  
Leishman, Peter  
McColgan, Philip, Jr  
Messier, Irene  
Peterson, Andrew  
Turgeon, Roland

Arthur, Rose  
Buckley, Raymond  
Cote, Peter  
Dawe, Eileen  
Fields, Dennis  
Gorman, Mary  
Jean, Loren  
L'Heureux, Robert  
Leonard, Peter  
McDonald, James, Sr  
Moriarty, Mary  
Reidy, Frank  
White, Donald

Beaupre, Roland  
Chabot, Robert  
Craig, James  
Desrosiers, William  
Foster, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
Melcher, Harold  
Murphy, Robert  
Sarette, John  
White, John

Bergeron, Lucien  
Christiansen, Lars  
Curran, James  
Dokmo, Cynthia  
Gagnon, Paul  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
McCarthy, William  
Mendenhall, Leslie  
Perkins, Paul  
Simon, Anthony  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Fortnam, Janet  
Jacobson, Alf  
Marshall, Kenneth  
Poulin, Dave  
St Cyr, Gerard  
Yeaton, Charles

Chase, George  
French, Barbara  
Larrabee, David, Sr  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn

Crosby, Toni  
Gile, Mary  
Lavoie, Gerard  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Daneault, Gabriel  
Hager, Elizabeth  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria  
Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
Dunham, Vivian  
Hutchinson, Karen  
Katsakiores, George  
Lovejoy, Marian  
Pantelakos, Laura  
Rabideau, Marie  
Shelton, Richard

Bridle, Russell  
Flanagan, Natalie  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Norelli, Terie  
Pitts, Jacqueline  
Sabella, Norma  
Shultis, Elizabeth

Clark, Martha  
Gibbons, Paul  
Johnson, Robert  
Kelley, Jane  
Noyes, Richard  
Putnam, Ed, II  
Sapareto, Frank  
Vaughn, Charles

DiFruscia, Anthony  
Gleason, John  
Kane, Cecelia  
Langone, John  
O'Neil, Michael  
Quandt, Marshall  
Schanda, Frank  
Weyler, Kenneth

**STRAFFORD**

Brennan, William  
DeChane, Marlene  
Johnson, Nancy  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Brown, George  
Domingo, Baldwin  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Franklin

Brown, Julie  
Estabrook, Iris  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

Callaghan, Frank  
Gilmore, Gary  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Flint, Gordon, Sr  
Phinizy, James

Burling, Peter  
Jones, Constance  
Tuthill, John

Cloutier, John  
Kibbey, David  
Young, David

Donovan, Thomas, Jr  
Leone, Richard

**NAYS 157****BELKNAP**

Bartlett, Gordon  
Rice, Thomas

Boyce, Robert  
Thomas, John

Holbrook, Robert  
Turner, Robert

Lawton, Robert  
Wendelboe, Francine

**CARROLL**

Bradley, Jeb  
MacDonald, Kenneth  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry  
Torresen, Gary

Kenney, Joseph  
Patten, Betsey

Lyman, L Randy  
Philbrick, Donald

**CHESHIRE**

Hunt, John  
Royce, H Charles

Riley, William  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
LaMott, Paul  
Weber, Phil

Alger, John  
Eaton, Stephanie  
MacNeil, Allen

Brothers, Richard  
Gilman, G Michael  
Marshall, Gene

Cobb, John  
Hinman, Harry  
Picconi, Al

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Carlson, Donald  
Daniels, Gary  
Emerton, Lawrence  
Ford, Nancy  
Herman, Keith

Andrews, Frederick  
Bergin, Peter  
Clegg, Robert, Jr  
Desmarais, Vivian  
Fenton, James  
Franks, Suzan  
Holley, Sylvia

Arnold, Thomas, Jr  
Brundige, Robert  
Coughlin, Pamela  
Durham, Susan  
Fletcher, Richard  
Goulet, Maurice  
Kurk, Neal

Batula, Peter  
Calawa, Leon, Jr  
Dalianis, Griffin  
Dyer, Merton  
Flora, Kathleen  
Hansen, Herbert  
LaRose, Richard

Lessard, Rudy  
 Martin, Mary  
 Moran, Edward  
 Pappas, Marc  
 Tate, Joan  
 Withee, Dennis

Lozeau, Donnalee  
 McGough, Tim  
 O'Connell, Timothy  
 Pepino, Leo  
 Thulander, O Alan

MacGillivray, Jeffrey  
 Mercer, Robert  
 O'Hearn, Jane  
 Reeves, Sandra  
 Vaillancourt, Steve

Martel, Andre  
 Milligan, Robert  
 Quellette, Dean  
 Rowe, Robert  
 Wall, Nancy

### MERRIMACK

Anderson, Eric  
 Hoadley, Elizabeth  
 Marple, Richard  
 Whalley, Michael

Asplund, Bronwyn  
 Kennedy, Richard  
 Maxfield, Roy

Brewster, Richard  
 Langer, Ray  
 Nichols, Avis

Davis, Francis  
 Leber, William  
 Soltani, Tony

### ROCKINGHAM

Arndt, Janet  
 Case, Margaret  
 Cote, Patricia  
 Fesh, Robert  
 Grant, Kenneth  
 Kobel, Rudolph  
 McKinney, Betsy  
 Nowe, Ronald  
 Rubin, George  
 Tufts, J Arthur  
 Welch, David

Beaulieu, Jon  
 Christie, Andrew, Jr  
 Cox, Russell  
 Flanders, David  
 Griffin, Mary  
 Langley, Jane  
 Mikowski, Walter  
 Priestley, Anne  
 Ruffner, Walter  
 Varrell, Thomas  
 Whittier, John

Belanger, Ronald  
 Clark, Vivian  
 Dalrymple, Janeen  
 Flanders, John, Sr  
 Hamel, Albert  
 Letourneau, Robert  
 Morse, Charles  
 Raynowska, Bernard  
 Stickney, Nancy  
 Verani, Giovanni  
 Zolla, William

Bishop, Franklin  
 Corbin, C David  
 Downing, Michael  
 Francoeur, Sheila  
 Henderson, Warren  
 Major, Norman  
 Nowe, Mary Lou  
 Reardon, Neil  
 Stone, Joseph  
 Weare, Everett

### STRAFFORD

Berube, Roger  
 Keans, Sandra

Cossette, Larry  
 McKinley, Robert

Dunlap, Patricia  
 Vincent, Francis

Heon, Richard  
 Woods, Phyllis

### SULLIVAN

None

and reconsideration prevailed.

Rep. Burling moved Ought to Pass and spoke in favor.

Rep. Chandler spoke against.

Rep. Burling requested a roll call; sufficiently seconded.

### YEAS 190 NAYS 155

### YEAS 190

### BELKNAP

Johnson, James  
 Rosen, Ralph

Lawton, Robert  
 Salatiello, Thomas

Millham, Alida  
 Wood, Jane

Rice, Thomas

### CARROLL

Babson, David, Jr

Dickinson, Howard

### CHESHIRE

Avery, Stephen  
 Lerandeau, Alfred  
 McGuirk, Paul  
 Richardson, Barbara  
 Zerba, Roger

Batchelder, Robert  
 Lynch, Margaret  
 Meader, David  
 Riley, William

Blaisdell, Michael  
 Lynott, Margaret  
 Mitchell, McKim  
 Robertson, Timothy

Burnham, Daniel  
 Manning, Joseph  
 Pratt, John  
 Russell, Ronald

### COOS

Davis, Perley  
 Rodrigue, Robert

Hawkinson, Marie

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan	Brothers, Richard	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	Hall, David	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	Johnson, Gary	Nordgren, Sharon	Phinney, William
Scanlan, David	Ward, Brien		

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Bergeron, Lucien	Bergin, Peter
Bruno, Pierre	Buckley, Raymond	Christiansen, Lars	Cote, David
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Desrosiers, William	Dokmo, Cynthia	Dwyer, Paul, Sr	Fields, Dennis
Foster, Linda	Gagnon, Paul	Garrish, Linda	Gorman, Mary
Haettenschwiller, Alphonse	Hall, Betty	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	L'Heureux, Robert	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Leonard, Peter	Lynde, Harold
McCarthy, William	McColgan, Philip, Jr	McDonald, James, Sr	Melcher, Harold
Mendenhall, Leslie	Messier, Irene	Moriarty, Mary	Murphy, Robert
Perkins, Paul	Reidy, Frank	Sarette, John	Simon, Anthony
Turgeon, Roland	Vaillancourt, Steve	White, Donald	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fortnam, Janet	French, Barbara
Gile, Mary	Hager, Elizabeth	Jacobson, Alf	Langer, Ray
Larrabee, David, Sr	Lavoie, Gerard	Marshall, Kenneth	Moore, Carol
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Belanger, Ronald	Bridle, Russell	Case, Margaret
Clark, Martha	Dalrymple, Janeen	Dunham, Vivian	Flanagan, Natalie
Gibbons, Paul	Gleason, John	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Langley, Jane
Langone, John	Lovejoy, Marian	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie
Rubin, George	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Vaughn, Charles	Whittier, John

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis	Vincent, Francis	Woods, Phyllis	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
Phinizy, James	Tuthill, John	Young, David	

**NAYS 155****BELKNAP**

Bartlett, Gordon  
Thomas, John

Boyce, Robert  
Turner, Robert

Holbrook, Robert  
Wendelboe, Francine

Lawton, David

**CARROLL**

Bradley, Jeb  
MacDonald, Kenneth  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry  
Torresen, Gary

Kenney, Joseph  
Patten, Betsy

Lyman, L Randy  
Philbrick, Donald

**CHESHIRE**

Doucette, Richard  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene

Alger, John  
Gilman, G Michael  
Mirski, Paul

Cobb, John  
LaMott, Paul  
Picconi, Al

Dudley, Terri  
MacNeil, Allen  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Carlson, Donald  
Dalianis, Griffin  
Durham, Susan  
Fletcher, Richard  
Goulet, Maurice  
Jean, Loren  
Lozeau, Donnalee  
McGough, Tim  
O'Connell, Timothy  
Pepino, Leo  
Tate, Joan

Andrews, Frederick  
Belvin, William  
Chabot, Robert  
Daniels, Gary  
Dyer, Merton  
Flora, Kathleen  
Hansen, Herbert  
Kurk, Neal  
MacGillivray, Jeffrey  
Mercer, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Thulander, O Alan

Arnold, Thomas, Jr  
Brundige, Robert  
Clegg, Robert, Jr  
Dawe, Eileen  
Emerton, Lawrence  
Ford, Nancy  
Herman, Keith  
LaRose, Richard  
Martel, Andre  
Milligan, Robert  
Ouellette, Dean  
Reeves, Sandra  
Wall, Nancy

Batula, Peter  
Calawa, Leon, Jr  
Coughlin, Pamela  
Desmarais, Vivian  
Fenton, James  
Franks, Suzan  
Holley, Sylvia  
Lessard, Rudy  
Martin, Mary  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Leber, William  
Nichols, Avis

Asplund, Bronwyn  
Lockwood, Priscilla  
Soltani, Tony

Hoadley, Elizabeth  
Marple, Richard  
Whalley, Michael

Kennedy, Richard  
Maxfield, Roy  
Whittemore, James

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, John, Sr  
Hamel, Albert  
Kobel, Rudolph  
Mikowski, Walter  
Noyes, Richard  
Reardon, Neil  
Tufts, J Arthur  
Welch, David

Beaulieu, Jon  
Corbin, C David  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Ruffner, Walter  
Varrell, Thomas  
Weyler, Kenneth

Bishop, Franklin  
Cote, Patricia  
Fesh, Robert  
Grant, Kenneth  
Katsakiores, George  
Major, Norman  
Nowe, Mary Lou  
Priestley, Anne  
Stickney, Nancy  
Verani, Giovanni  
Zolla, William

Christie, Andrew, Jr  
Cox, Russell  
Flanders, David  
Griffin, Mary  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Ronald  
Raynowska, Bernard  
Stone, Joseph  
Weare, Everett

**STRAFFORD**

Berube, Roger  
McKinley, Robert

Cossette, Larry  
Torr, Franklin

Dunlap, Patricia  
Wall, Janet

Keans, Sandra

**SULLIVAN**

None

and the motion was adopted.

Referred to Finance.

Rep. Doucette voted Nay and intended to vote Yea.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Marple requested that his protest be entered on the Journal

This protest is made relative to action taken at 3:46 p.m. on HB 279-FN-A from the Public Works and Highways Committee, relative to the Cheshire Bridge. The protest is based upon Article 1, Section 10 of the United States Constitution which states, "No state shall ... pass any bill or attainder, ex post facto law, or law impairing the obligation of contracts".

**SUSPENSION OF RULES**

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit consideration at the present time without the required notice of **HB 737**, declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

Adopted by the necessary two thirds.

**CONSIDERATION OF HB 737**

**HB 737**, declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution. **INEXPEDIENT TO LEGISLATE**

Rep. Jeffrey C. MacGillivray for Finance: This bill as proposed set forth a legislative declaration, supported by constitutional findings, that the New Hampshire supreme court's Claremont II decision is an unconstitutional violation of separation of powers.

The committee looked at several amendments to modify the wording of this declaration, and heard testimony on one amendment which would have attached the "Homestead Exemption" plan to the bill. The majority of the committee believes that the subject matter of this bill is not appropriate for legislation, that the "Homestead Exemption" does not appropriately address the supreme court's ruling, and that the House should concentrate on addressing the state's immediate problem of how education is to be funded.

Some members of the majority indicated that they believed that the court had made an error, or may have made an error, and that were the subject matter of this bill reintroduced as a House resolution they might vote differently. Other members indicated that they agreed with the court's decision. Vote 21-4.

Reps. Pepino, Welch, Dickinson, Nancy Wall, Robert Lawton and Corbin spoke against.

Rep. DiFruscia spoke in favor and yielded to questions.

Rep. Pepino requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 191 NAYS 152**

**YEAS 191**

**BELKNAP**

Millham, Alida

Salatiello, Thomas

Turner, Robert

Wood, Jane

**CARROLL**

None



**CHESHIRE**

Avery, Stephen  
Doucette, Richard  
Manning, Joseph  
Pratt, John  
Russell, Ronald

Batchelder, Robert  
Lerandau, Alfred  
McGuirk, Paul  
Richardson, Barbara  
Zerba, Roger

Blaisdell, Michael  
Lynch, Margaret  
Meador, David  
Riley, William

Burnham, Daniel  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy

**COOS**

Davis, Perley  
Pratt, Leighton

Hawkinson, Marie  
Rodrigue, Robert

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Johnson, Gary  
Scanlan, David

Copenhaver, Marion  
Marshall, Gene  
Ward, Brien

Densmore, Jessica  
Nordgren, Sharon

Guest, Robert  
Picconi, Al

**HILLSBOROUGH**

Ahern, Richard  
Bergin, Peter  
Carlson, Donald  
Craig, James  
Dokmo, Cynthia  
Fields, Dennis  
Gagnon, Paul  
Hall, Betty  
Konys, Christine  
Lynde, Harold  
McDonald, James, Sr  
Moriarty, Mary  
Peterson, Andrew  
Simon, Anthony  
White, John

Arthur, Rose  
Bruno, Pierre  
Cote, David  
Curran, James  
Durham, Susan  
Ford, Nancy  
Garrish, Linda  
Jean, Claudette  
LaRose, Richard  
MacGillivray, Jeffrey  
Melcher, Harold  
Murphy, Robert  
Reidy, Frank  
Thulander, O Alan  
Williams, Carol

Belvin, William  
Buckley, Raymond  
Cote, Peter  
Daigle, Robert  
Dwyer, Paul, Sr  
Foster, Linda  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
McCarthy, William  
Mendenhall, Leslie  
O'Hearn, Jane  
Rowe, Robert  
Turgeon, Roland  
Withee, Dennis

Bergeron, Lucien  
Calawa, Leon, Jr  
Coughlin, Pamela  
Dawe, Eileen  
Dyer, Merton  
Franks, Suzan  
Haettenschwiller, Alphonse  
Keye, Harvey  
Leonard, Peter  
McColgan, Philip, Jr  
Messier, Irene  
Perkins, Paul  
Sarette, John  
Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
Gile, Mary  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Brewster, Richard  
Davis, Francis  
Hager, Elizabeth  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Whittemore, James

Chase, George  
Fortnam, Janet  
Hoadley, Elizabeth  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Yeaton, Charles

Crosby, Toni  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn

**ROCKINGHAM**

Abbott, Dennis  
Downing, Michael  
Johnson, Robert  
Lovejoy, Marian  
Pitts, Jacqueline  
Shelton, Richard  
Vaughn, Charles

Case, Margaret  
Francoeur, Sheila  
Kane, Cecelia  
Major, Norman  
Sabella, Norma  
Shultis, Elizabeth  
Weare, Everett

Clark, Martha  
Gibbons, Paul  
Kelley, Jane  
Norelli, Terie  
Sapareto, Frank  
Splaine, James  
Whittier, John

DiFruscia, Anthony  
Hutchinson, Rebecca  
Langone, John  
Pantelakos, Laura  
Schanda, Frank  
Stone, Joseph

**STRAFFORD**

Berube, Roger  
Brown, Julie  
Domingo, Baldwin  
Johnson, Nancy  
Lent, Donald

Bickford, David  
Callaghan, Frank  
Dunlap, Patricia  
Kaen, Naida  
Lundborn, Raymond

Brennan, William  
Cossette, Larry  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Arthur

Brown, George  
DeChane, Marlene  
Heon, Richard  
Knowles, William  
Pelletier, Marsha

Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Rollo, Michael  
Torr, Franklin  
Wall, Janet

Smith, Marjorie  
Twardus, Joseph

Snyder, Clair  
Vachon, Dennis

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Phinizy, James

Burling, Peter  
Jones, Constance  
Tuthill, John

Cloutier, John  
Kibbey, David

Donovan, Thomas, Jr  
Leone, Richard

### NAYS 152

### BELKNAP

Bartlett, Gordon  
Lawton, David  
Thomas, John

Boyce, Robert  
Lawton, Robert  
Wendelboe, Francine

Holbrook, Robert  
Rice, Thomas

Johnson, James  
Rosen, Ralph

### CARROLL

Babson, David, Jr  
Kenney, Joseph  
Patten, Betsey

Bradley, Jeb  
Lyman, L Randy  
Philbrick, Donald

Chandler, Gene  
MacDonald, Kenneth  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry  
Torresen, Gary

### CHESHIRE

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

Royce, H Charles

### COOS

Guay, Lawrence  
Woodward, David

Horton, Lynn

Merrill, Gerald

Tholl, John, Jr

### GRAFTON

Akins, Ralph  
Dudley, Terri  
Ham, Bonnie  
MacNeil, Allen

Alger, John  
Eaton, Stephanie  
Harmon, Hobart  
Mirski, Paul

Brothers, Richard  
Gilman, G Michael  
Hinman, Harry  
Phinney, William

Cobb, John  
Hall, David  
LaMott, Paul  
Weber, Phil

### HILLSBOROUGH

Alukonis, David  
Beaupre, Roland  
Clegg, Robert, Jr  
Desrosiers, William  
Flora, Kathleen  
Holley, Sylvia  
Lefebvre, Roland  
Martel, Andre  
Milligan, Robert  
Pappas, Marc  
Wall, Nancy

Andrews, Frederick  
Brundige, Robert  
Dalianis, Griffin  
Emerton, Lawrence  
Goulet, Maurice  
Jean, Loren  
Leishman, Peter  
Martin, Mary  
Moran, Edward  
Pepino, Leo  
White, Donald

Arnold, Thomas, Jr  
Chabot, Robert  
Daniels, Gary  
Fenton, James  
Hansen, Herbert  
Kurk, Neal  
Lessard, Rudy  
McGough, Tim  
O'Connell, Timothy  
Reeves, Sandra

Batula, Peter  
Christiansen, Lars  
Desmarais, Vivian  
Fletcher, Richard  
Herman, Keith  
L'Heureux, Robert  
Lozeau, Donnalee  
Mercer, Robert  
Ouellette, Dean  
Tate, Joan

### MERRIMACK

Anderson, Eric  
Larrabee, David, Sr  
Nichols, Avis

Asplund, Bronwyn  
Lavoie, Gerard  
Soltani, Tony

Kennedy, Richard  
Leber, William  
Whalley, Michael

Langer, Ray  
Marple, Richard

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Cote, Patricia  
Fesh, Robert  
Gleason, John

Beaulieu, Jon  
Christie, Andrew, Jr  
Cox, Russell  
Flanagan, Natalie  
Grant, Kenneth

Belanger, Ronald  
Clark, Vivian  
Dalrymple, Janeen  
Flanders, David  
Griffin, Mary

Bishop, Franklin  
Corbin, C David  
Dunham, Vivian  
Flanders, John, Sr  
Hamel, Albert

Henderson, Warren  
Kobel, Rudolph  
Mikowski, Walter  
Noyes, Richard  
Rabideau, Marie  
Ruffner, Walter  
Welch, David

Hutchinson, Karen  
Langley, Jane  
Morse, Charles  
Priestley, Anne  
Raynowska, Bernard  
Stickney, Nancy  
Weyler, Kenneth

Katsakiores, George  
Letourneau, Robert  
Nowe, Mary Lou  
Putnam, Ed, II  
Reardon, Neil  
Varrell, Thomas  
Zolla, William

Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Ronald  
Quandt, Marshall  
Rubin, George  
Verani, Giovanni

### STRAFFORD

McKinley, Robert

Taylor, Kathleen

Woods, Phyllis

### SULLIVAN

Young, David

and the report was adopted.

## SENATE MESSAGE

### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 734-FN-L**, relative to state guarantees of tax anticipation notes issued by municipalities and relative to teacher non-renewals for the 1999-2000 school year. (Amendment printed SJ 11, 4/1/99)

Rep. Patten moved that the House concur.

Rep. Chandler spoke in favor.

Rep. Burling spoke in favor and yielded to questions.

Adopted.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 38, 75, 78, 110 and 139 and Senate Joint Resolution numbered 1, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

**SB 38**, relative to the optional term for election of a cooperative school district moderator. (Election Law)

**SB 75**, relative to out-of-state boats. (Transportation)

**SB 78**, relative to contract requirements between a paid solicitor and a charitable trust. (Commerce)

**SB 110**, allowing for discharges of mortgages by affidavit of a New Hampshire attorney. (Commerce)

**SB 139**, relative to self-proved wills and making reference changes. (Judiciary)

**SJR 1**, supporting the reduction of the sulfur content of gasoline. (State-Federal Relations)

## UNANIMOUS CONSENT

Reps. Wallin, Soltani, Lozeau and Burling addressed the House.

## RECESS

(Speaker Sytek in the Chair)

### SENATE MESSAGE

### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 112-FN-A**, increasing the tobacco tax and imposing the tax on all types of tobacco. (Amendment printed SJ 11, 4/1/99)

Rep. Kurk moved that the House nonconcur.

Rep. Vaillancourt spoke against.

Reps. Hager, Boyce, Copenhaver and Chandler spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the motion to nonconcur.

**YEAS 299 NAYS 15****YEAS 299****BELKNAP**

Bartlett, Gordon  
Millham, Alida  
Turner, Robert

Boyce, Robert  
Pilliod, James  
Wendelboe, Francine

Holbrook, Robert  
Salatiello, Thomas  
Wood, Jane

Johnson, James  
Thomas, John

**CARROLL**

Babson, David, Jr  
Kenney, Joseph  
Patten, Betsey

Bradley, Jeb  
Lyman, L Randy  
Philbrick, Donald

Chandler, Gene  
MacDonald, Kenneth  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry  
Torresen, Gary

**CHESHIRE**

Batchelder, Robert  
Hunt, John  
Manning, Joseph  
Pratt, John  
Robertson, Timothy  
Smith, Edwin

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Richardson, Barbara  
Rose, William  
Zerba, Roger

Burnham, Daniel  
Lynch, Margaret  
Meader, David  
Riley, William  
Royce, H Charles

Doucette, Richard  
Lynott, Margaret  
Mitchell, McKim  
Roberts, William  
Russell, Ronald

**COOS**

Davis, Perley  
Merrill, Gerald  
Woodward, David

Hawkinson, Marie  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

Landers, Dana  
Tholl, John, Jr

**GRAFTON**

Akins, Ralph  
Cobb, John  
Eaton, Stephanie  
Ham, Bonnie  
MacNeil, Allen  
Phinney, William  
Weber, Phil

Alger, John  
Copenhaver, Marion  
Gilman, G Michael  
Harmon, Hobart  
Marshall, Gene  
Picconi, Al

Almy, Susan  
Densmore, Jessica  
Guest, Robert  
Hinman, Harry  
Mirski, Paul  
Scanlan, David

Brothers, Richard  
Dudley, Terri  
Hall, David  
Johnson, Gary  
Nordgren, Sharon  
Ward, Brien

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Belvin, William  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Daniels, Gary  
Dokmo, Cynthia  
Fenton, James  
Ford, Nancy  
Gorman, Mary  
Hansen, Herbert  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
Lynde, Harold  
McCarthy, William  
Mercer, Robert  
Murphy, Robert  
Pappas, Marc  
Reidy, Frank  
Thulander, O Alan  
White, John

Alukonis, David  
Baroody, Benjamin  
Bergin, Peter  
Carlson, Donald  
Cote, David  
Dawe, Eileen  
Durham, Susan  
Fields, Dennis  
Foster, Linda  
Goulet, Maurice  
Herman, Keith  
Keye, Harvey  
LaRose, Richard  
Leonard, Peter  
MacGillivray, Jeffrey  
McColgan, Philip, Jr  
Messier, Irene  
O'Connell, Timothy  
Perkins, Paul  
Rowe, Robert  
Turgeon, Roland  
Withee, Dennis

Andrews, Frederick  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Curran, James  
Desmarais, Vivian  
Dyer, Merton  
Fletcher, Richard  
Franks, Suzan  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Konys, Christine  
Lasky, Bette  
Lessard, Rudy  
Martel, Andre  
McGough, Tim  
Milligan, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Sarette, John  
Wall, Nancy

Arnold, Thomas, Jr  
Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Dalianis, Griffin  
Desrosiers, William  
Emerton, Lawrence  
Flora, Kathleen  
Garrish, Linda  
Hall, Betty  
Jean, Loren  
Kurk, Neal  
Lefebvre, Roland  
Lozeau, Donnalee  
Martin, Mary  
Mendenhall, Leslie  
Moran, Edward  
Ouellette, Dean  
Reeves, Sandra  
Tate, Joan  
White, Donald

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Crosby, Toni	Daneault, Gabriel	Davis, Francis
Fortnam, Janet	French, Barbara	Gile, Mary	Hager, Elizabeth
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	Soltani, Tony	Virtue, Carolyn
Wallin, Jean	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Bishop, Franklin	Bridle, Russell
Case, Margaret	Christie, Andrew, Jr	Clark, Martha	Clark, Vivian
Corbin, C David	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr
Francoeur, Sheila	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Putnam, Ed, II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Ruffner, Walter	Sabella, Norma	Sapareto, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stickney, Nancy	Varrell, Thomas
Vaughn, Charles	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Brown, Julie
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Twardus, Joseph	Wall, Janet
Woods, Phyllis			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
Phinizy, James	Tuthill, John	Young, David	

**NAYS 15****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

None

**COOS**

Mears, Edgar

**GRAFTON**

None

**HILLSBOROUGH**Bergeron, Lucien  
Simon, AnthonyBuckley, Raymond  
Vaillancourt, SteveDaigle, Robert  
Williams, Carol

Gagnon, Paul

**MERRIMACK**

None

**ROCKINGHAM**

Belanger, Ronald

DiFruscia, Anthony

Schanda, Frank

**STRAFFORD**

Berube, Roger

Domingo, Baldwin

Taylor, Kathleen

Vachon, Dennis

**SULLIVAN**

None

and the motion was adopted.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Call of the Chair. Adopted.

**LATE SESSION****Third reading and final passage**

**HB 340**, establishing a committee to study mercury source reduction and recycling issues.

**HB 558-FN**, relative to solid waste management.

**HB 492-FN-A-L**, reducing the state bond guarantee limit for wastewater projects.

**HB 494-FN-A**, making an appropriation to the department of cultural resources for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife.

**HB 495-FN-A**, relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee, allowing coverage for discharge prevention, and allowing reimbursement for replacing substandard tanks.

**HB 572-FN-A**, relative to the apportionment provisions of the business profits tax.

**HB 426**, relative to clean indoor air in state buildings.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only. Adopted.

The House recessed at 7:30 p.m.

**RECESS**

**(Rep. Henderson in the Chair)**

**RESOLUTION**

Rep. Lozeau offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 738 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 738-FN**, transferring funds from the judicial branch to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses. (Welch, Rock 18; Major, Rock 16; Finance)

RECESS

(Rep. Konys in the Chair)

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 73 and 734.

Rep. Lozeau for the Committee

RECESS

(Rep. Henderson in the Chair)

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 200 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 200-FN-L**, relative to restructuring the juvenile justice system in New Hampshire. (Lozeau, Hills 30; Knowles, Straf 11; Tholl, Coos 5; Mock, Carr 3; Hollingworth, Dist 23; Squires, Dist 12; Children and Family Law)

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 18, 22, 25, 27, 28, 53, 56, 77, 116, 121, 138, 146, 152 and 204, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 18**, relative to the rulemaking authority of the state board of education regarding certain educational personnel. (Education)

**SB 22**, relative to the pilot program relative to the administration of medication in residential care facilities. (Health, Human Services and Elderly Affairs)

**SB 25**, expanding the waiver of administration under the law regarding decedents' estates. (Judiciary)

**SB 27**, relative to assessment fee schedules for trust companies and banks. (Commerce)

**SB 28**, relative to food production and distribution and food service licensure. (Executive Departments and Administration)

**SB 53-FN**, relative to licensure of physicians providing teleradiology services in this state. (Executive Departments and Administration)

**SB 56**, amending the law relative to who may adopt. (Children and Family Law)

**SB 77**, relative to authorized regional enrollment area schools. (Education)

**SB 116**, eliminating straight ticket voting. (Election Law)

**SB 121**, requiring reports to the department of justice following certain DWI arrests and refusals to take alcohol concentration tests. (Criminal Justice and Public Safety)

**SB 138**, relative to joint tenancy with rights of survivorship. (Transportation)

**SB 146**, granting district courts exclusive jurisdiction over actions involving certain real estate purchase deposits held in escrow accounts. (Judiciary)

*SB 152-L*, relative to the procedures for establishing a charter school. (Education)

*SB 204*, establishing the New Hampshire excellence in higher education endowment trust fund. (Education)

## RECESS

**(Rep. Clegg in the Chair)**

### RESOLUTION

Rep. Copenhaver offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 739 shall be by this resolution read a first and second time by the therein listed titles sent for printing, and referred to the therein designated committee. Adopted.

## INTRODUCTION OF HOUSE BILL

### First, second reading and referral

*HB 739*, eliminating the restrictions on the number of days bingo volunteers may serve. (Cooney, Rock 26: Criminal Justice and Public Safety)

### RESOLUTION

Rep. Copenhaver offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 93 and 137 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

*SB 93*, relative to self-storage facility liens. (Commerce)

*SB 137-FN*, relative to use of social security numbers in child support enforcement and in the issuance of driver's licenses. (Children and Family Law)

## RECESS

**(Rep. Lockwood in the Chair)**

### SENATE MESSAGE

### CONCURRENCE

*HB 227*, establishing a committee to study the maintenance of voter checklists.

*HB 253*, allowing ballots to be examined and counted prior to the opening of polls on election day.

## RECESS

**(Rep. Guay in the Chair)**

### RESOLUTION

Rep. Gilmore offers the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 58, 80, 102 through 105, 114, 160, 173, 177, 182 and 224, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

*SB 58*, allowing clinical mental health counselors to obtain third party payment for services rendered which would otherwise qualify for such payments. (Commerce)

*SB 80*, adding the name of Martin Luther King, Jr. to Civil Rights Day. (Executive Departments and Administration)

*SB 102*, relative to payment of the premium tax. (Finance)

*SB 103*, making certain changes in the insurance laws. (Commerce)



**SB 104**, making a variety of changes in certain insurance laws. (Commerce)

**SB 105**, relative to continuation of coverage of health insurance. (Commerce)

**SB 114**, relative to health carrier disclosure of third party liability. (Commerce)

**SB 160**, establishing a committee to study and identify or establish the duties of the fish and game commission. (Wildlife and Marine Resources)

**SB 173-FN**, relative to optional allowances for beneficiaries of New Hampshire retirement system members. (Executive Departments and Administration)

**SB 177**, allowing marriage and family therapists to obtain third party payment for services rendered which would otherwise qualify for such payments. (Commerce)

**SB 182-FN**, relative to eligibility for ordinary death benefits under the New Hampshire retirement system. (Executive Departments and Administration)

**SB 224**, relative to stenographic records and availability of transcripts of adjudicative hearings before licensing boards. (Executive Departments and Administration)

## RECESS

### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 13

Wednesday, April 14, 1999

The House assembled at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Bradley J. Bergfalk from the Concord Covenant Church.

Lord of heaven and earth, as we together embark on our duties of this day, give us clarity of thought, gracious spirits, and generous wit so that when this day is over, we may reflect upon its events with the joyful recognition that we have made others stronger because of their encounters with us today. Amen.

Rep. MacGillivray led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Julie Brown, Patricia Cote, Courchesne, Eugene Gagnon, Paul Gagnon, Golden, Hunter, Lyman and Searles, the day, illness.

Reps. Asplund, Bishop, Chabot, Domingo, Grassie, Griffin, Lionel Johnson, Pantelakos, Robb-Theroux, Rogers, Scanlan and Weatherspoon, the day, important business.

### INTRODUCTION OF GUESTS

Michael Zaymore, guest of Rep. Marjorie Smith. Barbara Brewster, wife of Rep. Brewster. Michael Willers, guest of Rep. Pilliod. Nancy Chandler, Leslie Sheehan and Former NH Rep. Terry Pfaff, wife, sister-in-law and guest of Rep. Chandler. Donald Lambert, uncle of Rep. Sapareto.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 227 and 253.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 249**, relative to the membership of the rivers management advisory committee. (Amendment printed SJ 11, 4/1/99)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.

### COMMITTEE REPORTS

#### CONSENT CALENDAR – PART I

Rep. Chandler moved that the Consent Calendar Part I with the relevant amendments as printed in the day's House Record be adopted.

**HB 522**, relative to the public's access to sex offender registry information, removed by Rep. Brothers.

**HB 63-FN-A**, relative to the Weekly Market Bulletin's budget and making an appropriation therefor, removed by Rep. Wendelboe.

Consent Calendar Part I adopted.

**HB 565**, relative to the disclosure of certain information by the department of health and human services and relative to the disclosure of the identity of a person filing a report of child abuse or neglect. INEXPEDIENT TO LEGISLATE

Rep. Constance A. Jones for Children and Family Law: The committee felt this bill would undermine the integrity and intent of RSA 169-C:30 by not accepting anonymous reports of child abuse and neglect. This bill would also repeal RSA 170-G:8a 1(d) Confidentiality. Vote 12-1.

**HB 309**, relative to motor vehicle insurance. RE-REFER TO COMMITTEE

Rep. Stephen G. Avery for Commerce: The Assistant Insurance Commissioner said that there are consumer protection issues that need addressing. They are waiting to see how several other states handle the problems in current legislation and will be better able to make recommendations this fall. Vote 15-1.

**HB 321**, requiring health carriers to pay for all recommended prescription drugs. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: The sponsor introduced another bill (HB 408) to address concerns regarding pharmaceutical costs and availability. The committee will recommend changes through 408 and the sponsor has agreed to the ITL motion on this bill. The Commerce Committee recognizes consumers' concerns on this issue and will pass legislation to make New Hampshire's health care laws more consumer friendly. Vote 16-0.

**HB 435**, relative to the mail order and catalog business. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Stephen G. Avery for Commerce: This bill, as amended, requires mail order and catalog businesses to include a telephone number for customer inquiries and complaints. The committee felt that this was an important consumer protection for New Hampshire citizens. Vote 17-0.

**Amendment (0516h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to disclosure by sellers of consumer goods and services.

Amend the bill by replacing sections 1 and 2 with the following:

1 Trade and Commerce; Consumer Protection; Acts Unlawful; Failure to Disclose; Telephone Number Added. Amend RSA 358-A:2, X-a to read as follows:

X-a. Failing to disclose the legal name, [or] street address, *and telephone number* of the business under RSA 361-B:2-a;

2 Retail Installment Sales; Retail Selling; Definition; Home Solicitation Sale; Gender Neutral. Amend RSA 361-B:1 to read as follows:

361-B:1 Definition. "Home solicitation sale" means a sale of goods or services, priced at \$25 or more, in which a seller, [his] *a seller's* representative, or a person acting for [him] *a seller* engages in a solicitation and sale at any place other than a permanent place of business of the seller. A cash or credit sale so consummated shall be deemed to be a home solicitation sale.

**AMENDED ANALYSIS**

This bill requires certain sellers of consumer goods or services to disclose a telephone number for customer inquiries and complaints.

**HB 442**, relative to charitable gift annuities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, will provide greater substantive safeguards for charitable gift annuities without having to shoulder unnecessary regulatory burden and expense; these include pay out ratios, retention of contributions, and investment of funds. Additionally, organizations that issue charitable gift annuities will now report to the Director of Charitable Trusts in the Office of the Attorney General. Vote 17-0.

**Amendment (0626h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Charitable Gift Annuities Exemption. Amend RSA by inserting after chapter 403-D the following new chapter:

**CHAPTER 403-E****CHARITABLE GIFT ANNUITIES EXEMPTION**

403-E:1 Definitions. In this chapter:

I. "American Council on Gift Annuities" means the organization which on the effective date of this chapter has its principal place of business in Indianapolis, Indiana, and which advises charitable organizations and promulgates recommended standards regarding the provision of charitable gift annuities.

II. "Charitable gift annuity" means a transfer of cash or other property by a donor to a charitable organization in return for an annuity payable over one or 2 lives, under which the actuarial value of the annuity is less than the value of the cash or other property transferred and the difference in value constitutes a charitable deduction for federal tax purposes.

III. "Charitable organization" means an entity described by:

(a) Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. section 501(c)(3)); or

(b) Section 170(c), Internal Revenue Code of 1986 (26 U.S.C. section 170(c)).

IV. "Director" means the director of charitable trusts, serving pursuant to RSA 7:20.

V. "Qualified charitable gift annuity" means a charitable gift annuity described by section 501(m)(5), Internal Revenue Code of 1986 (26 U.S.C. section 501(m)(5)), and section 514(c)(5), Internal Revenue Code of 1986 (26 U.S.C. 514(c)(5)), that is issued by a charitable organization that on the date of the annuity agreement:

(a) Has a minimum of \$300,000 in unrestricted cash, cash equivalents, or publicly traded securities, exclusive of the assets funding the annuity agreement;

(b) Has been in continuous operation for at least 3 years or is a successor or affiliate of a charitable organization that has been in continuous operation for at least 3 years;

(c) Issues charitable gift annuities with payout ratios no greater than recommended by the American Council on Gift Annuities at the time of issuance;

(d) Retains 100 percent of the contribution made in exchange for each charitable gift annuity, increased by earnings on the contribution and decreased by annuity payments and expenses properly allocated to the annuity, until the annuity is terminated; and

(e) Invests contributions made in exchange for charitable gift annuities solely in conformance with RSA 564-A:3-b, general standards of prudent investment.

403-E:2 Qualified Charitable Gift Annuity is Not Insurance.

I. The issuance of a qualified charitable gift annuity does not constitute engaging in the business of insurance in this state.

II. A charitable gift annuity issued before the effective date of this chapter shall be deemed to be a qualified charitable gift annuity for purposes of this chapter, and the issuance of that charitable gift annuity shall not constitute engaging in the business of insurance in this state, if the charitable organization issuing such annuity has given notice to the director pursuant to RSA 403-E:3, II(a).

403-E:3 Disclosures; Notification; Recertification.

I.(a) When entering into an agreement for a qualified charitable gift annuity, the charitable organization shall disclose to the donor in writing in the annuity agreement that a qualified charitable gift annuity is not insurance under the laws of this state and is not subject to regulation by the insurance department or protected by an insurance guaranty association. The following information shall also be similarly disclosed:

(1) The value of the property being transferred.

(2) The amount of the annuity to be paid.

(3) The manner in which, and the intervals at which, the payment is to be made.

(4) The date that payments are to begin.

(b) The disclosures required by this paragraph shall appear on the first page of the annuity agreement in a print size no smaller than that employed in the annuity agreement generally.

II.(a) A charitable organization that issues qualified charitable gift annuities shall notify the director in writing by the later of 90 days after the effective date of this chapter or the date on which it enters into the organization's first qualified charitable gift annuity agreement. The notice shall:

(1) Be signed by an officer or director of the organization;

(2) Identify the organization; and

(3) Certify that:

(A) The organization is a charitable organization; and

(B) The annuities issued by the organization shall be limited to qualified charitable gift annuities, as defined in RSA 403-E:1, V.

(b) Subsequently, each charitable organization that issues qualified charitable annuities shall, as part of its report submitted to the director pursuant to RSA 7:28, II and III, annually recertify that the annuities issued by the organization shall be limited to qualified charitable gift annuities, as defined in RSA 403-E:1, V.

(c) The organization shall not be required to submit additional information except to determine appropriate penalties that may be applicable under RSA 403-E:4.

403-E:4 Failure to Comply. The failure of a charitable organization to comply with the notice imposed under RSA 403-E:3 of this chapter shall not prevent a charitable gift annuity that otherwise meets the requirements of this chapter from constituting a qualified charitable gift annuity. The director shall enforce performance of RSA 403-E:3 by sending a letter by certified mail, return receipt requested, demanding that the charitable organization comply with the requirements

of RSA 403-E:3. The director may fine the charitable organization in an amount not to exceed \$1,000 per qualified charitable gift annuity agreement issued until such time as the charitable organization complies with RSA 403-E:3.

403-E:5 Not Unfair or Deceptive Trade Practice. The issuance of a qualified charitable gift annuity shall not constitute a violation of RSA 417.

2 Effective Date. This act shall take effect upon its passage.

### **HB 563**, relative to names of limited liability partnerships and companies. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: The bill makes technical corrections to our corporation laws for limited liability partnerships and corporations, which this House passed two years ago. The amendment requires all businesses, regardless of form of organization, to comply with the provisions of RSA 293, which is the registration of trade names statute so that New Hampshire can help ensure no two businesses have similar or deceptively similar names. Vote 17-0.

#### **Amendment (0637h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to names of limited liability partnerships and companies and cooperative associations.

Amend the bill by replacing all after the enacting clause with the following:

1 Voluntary Corporations and Associations; Names. Amend RSA 292:3 to read as follows:

292:3 Name. Any corporate name may be assumed which is not the same as or deceptively similar to an existing corporation name, reserved or registered name, New Hampshire investment trust, **limited liability partnership name, limited liability company name**, partnership or trade name, provided that a similar name may be assumed if written consent is obtained from the holder of the existing name.

2 New Hampshire Business Association Act; Corporate Name. Amend RSA 293-A:4.01(b) to read as follows:

(b) Except as authorized by subsections (c) and (d), a corporate name shall not be the same as, or deceptively similar to:

(1) the corporate name of a corporation incorporated or authorized to transact business in this state;

(2) a corporate name reserved or registered under RSA 293-A:4.02 or 293-A:4.03;

(3) the fictitious name of another foreign corporation authorized to transact business in this state;

(4) the corporate name of a not-for-profit corporation incorporated or authorized to transact business in this state;

(5) a trade name registered with the secretary of state under RSA 349;

(6) a domestic or foreign limited partnership name filed pursuant to RSA 304-B;

(7) a domestic or foreign limited liability partnership registered pursuant to RSA 304-A;

(8) the name of a domestic or foreign limited liability company registered pursuant to RSA 304-C;

~~[(7)]~~ (9) the name of a foreign partnership registered pursuant to RSA 305-A;

~~[(8)]~~ (10) the name of a New Hampshire investment trust filed under RSA 293-B;

~~[(9)]~~ (11) the name of an agency or instrumentality of the United States or this state or a subdivision thereof; and

~~[(10)]~~ (12) the name of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of the respective political organization.

3 Treatment of New Hampshire Investment Trusts; Use of Names Regulated. Amend RSA 293-B:16, I to read as follows:

I. The name of each New Hampshire investment trust as set forth in its certificate of trust shall not be the same or deceptively similar to the name of any corporation, trade name, **limited liability company, limited liability partnership**, limited partnership or New Hampshire investment trust reserved, registered or organized under the laws of this state or qualified to do business or conduct investment activity or registered as a foreign corporation or foreign limited partnership in this state; provided, however, that a New Hampshire investment trust may register under any name which is

similar to the name of any corporation, trade name, *limited liability company*, *limited liability partnership*, limited partnership or New Hampshire investment trust reserved, registered or organized under the laws of this state or qualified to do business or conduct investment activity or registered as a foreign corporation or foreign limited partnership in this state with the consent of the other corporation, trade name, *limited liability company*, *limited liability partnership*, limited partnership or New Hampshire investment trust, which written consent shall be filed with the secretary of state.

4 New Section; Cooperative Marketing and Rural Electrification Associations; Use of Names Regulated. Amend RSA 301 by inserting after section 43 the following new section:

301:43-a Use of Name Regulated. The secretary of state shall decline to register any cooperative name under this chapter that is the same as or deceptively similar to any of those entities listed under RSA 293-A:4.01(b), without the written consent of such entities.

5 Uniform Limited Partnership Act; Name. Amend RSA 304-B:2, II(a) to read as follows:

II.(a) The name of each limited partnership as set forth in its certificate of limited partnership shall not be the same as or deceptively similar to the name of any:

(1) Corporation organized under RSA 292, 293-A, 301, or 301-A; or foreign corporation registered under RSA 292, 293-A, 301, or 301-A;

(2) Foreign partnership registered under RSA 305-A;

(3) Limited liability company or foreign limited liability company registered under RSA 304-C;

(4) Limited partnership or foreign limited partnership registered under RSA 304-B;

(5) *Limited liability partnership or foreign limited liability partnership registered under RSA 304-A;*

~~[(5)]~~ (6) New Hampshire investment trust registered under RSA 293-B;

~~[(6)]~~ (7) Trade name registered under RSA 349;

~~[(7)]~~ (8) Name reserved under RSA 293-A, 293-B, 304-B, or 304-C; or

~~[(8)]~~ (9) Agency or instrumentality of the United States or of this state or a subdivision thereof or of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of such party.

6 Limited Liability Companies; Use of Name Regulated. Amend RSA 304-C:3, III to read as follows:

III. Shall not be the same as or deceptively similar to the name of any corporation, limited partnership, proprietorship, New Hampshire investment trust, voluntary association, trade name, business trust, *limited liability partnership* or limited liability company reserved, registered, formed or organized under the laws of New Hampshire or qualified to do business or registered as a foreign corporation, foreign limited partnership, foreign partnership, *foreign limited liability partnership* or foreign limited liability company in New Hampshire or the name of an agency or instrumentality of the United States or this state or a subdivision thereof or of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of such party; provided, however, that a limited liability company may not register under any name that is the same as or deceptively similar to the name of any domestic or foreign corporation, limited partnership, proprietorship, New Hampshire investment trust, voluntary association, trade name, business trust, *limited liability partnership* or limited liability company reserved, registered, formed or organized under the laws of New Hampshire without the written consent of the other corporation, limited partnership, proprietorship, New Hampshire investment trust, voluntary association, trade name, business trust, *limited liability partnership* or limited liability company, which written consent shall be filed with the secretary of state; and

7 Registration of Foreign Partnerships; Name. Amend RSA 305-A:1, IV to read as follows:

IV. A foreign partnership may assume any name which is not in use by any domestic partnership or any other foreign partnership admitted to do business in this state, and which is not so similar thereto or to that of any corporation, *domestic or foreign limited liability company*, *domestic or foreign limited liability partnership*, New Hampshire investment trust, or association carrying on business in this state as to be liable to be mistaken for it; provided that such name or similar name may be adopted with the consent in writing of such existing corporation, *limited liability company*, *domestic or foreign limited liability partnership*, New Hampshire investment trust, partnership or association filed with the application for certificate of authority pursuant to RSA 305-A:2.

8 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill requires that certain business entities receive written consent from limited liability companies and limited liability partnerships before using names that are the same or deceptively similar. This bill also requires that cooperative marketing and rural electrification associations receive written consent from business entities before using names that are the same or deceptively similar.

**HB 202**, legalizing the possession and cultivation of marijuana for medicinal purposes. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill legalized the possession and cultivation of marijuana for certain medicinal purposes. The sub committee heard extensive testimony from Dr. Lester Grinspoon of Harvard Medical School concerning the very beneficial use of this drug for certain medical purposes including the treatment of cancer, anorexia, AIDS, chronic pain, glaucoma, arthritis and other ailments. The problem we had with the bill was the cultivation of marijuana and how to control it. Dr. Grinspoon was hopeful that the limited research now going on would soon develop a way to extract the beneficial cannabinoids from the plant and a delivery system for their use (inhaler, pill, or I.M. or I.V. delivery) may then be developed. We felt Re-Refer was the proper way to go in the hope that a delivery system would soon be available Vote 15-0.

**HB 359**, establishing a committee to study the rights of a private citizen to pursue a criminal investigation if he or she believes it is not being pursued vigorously. RE-REFER TO COMMITTEE

Rep. Kenneth J. MacDonald for Criminal Justice and Public Safety: The Criminal Justice and Public Safety Committee held HB 1499 in the last session and chose to study the circumstances of the Dow homicides and possible grand jury actions that may or may not take place. During that process of study, a statute from the State of Colorado surfaced that allows a private citizen to pursue a grand jury indictment under certain circumstances. HB 359 calls for a study committee to investigate whether or not such a statute would serve the public's interest in New Hampshire. The committee feels that with all the work that has been done on the issue involved, rather than creating a statutory study, the Criminal Justice Committee should complete the work it started two years ago and re-refer this bill to the committee for study. Vote 17-1.

**HB 537**, relative to background checks for firearms purchases. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill originally authorized the department of safety to become the POC (point of contact) for the federal government for the purposes of the national instant criminal background check and further stated that only the department of safety could access the NICS system for the purpose of such checks. The latter provision would have precluded the local police chiefs from using the NICS system before granting a concealed weapons permit as prescribed under the Brady Act, 18. U.S.C. 921 et.seq. The amendment replaces the entire bill. Section 1 states that the department of safety may become the point of contact for the federal government for the purposes of the Brady Act and provides that if such background checks are made, those who have successfully passed the check will have the record of the event destroyed within one day of the transaction. Only the transaction approval number will be sent to the dealer making the sale. Second, section 2 says that funding for such activities shall be from either existing funds or federal grants. This is a federal mandate and should be paid for with federal money. Vote 16-1.

## Amendment (0527h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Sale of Firearms; Criminal Background Checks. Amend RSA by inserting after chapter 159-C the following new chapter:

## CHAPTER 159-D

## CRIMINAL BACKGROUND CHECKS

159-D:1 Sale of Firearms; Criminal History Record and Protective Order Check. The department of safety may become the point of contact for the federal government for the purposes of the national instant criminal background check (NICS).

## 159-D:2 Confidentiality.

I. If the department of safety conducts criminal background checks under RSA 159-D:1 any records containing information pertaining to a potential buyer or transferee who is not found to be prohibited from receipt or transfer of a firearm by reason of state or federal law which are created by the department of safety to conduct the criminal background check shall be confidential and may not be disclosed by the department or any officers or employees to any person or to another agency. The department shall destroy any such records after it communicates the corresponding approval number to the licensee and, in any event, such records shall be destroyed within one day after the day of the receipt of the licensee's request.

II. The department shall retain records containing any information pertaining to a potential buyer or transferee who is prohibited from receipt or transfer of a firearm for 3 years.

III. Notwithstanding the provisions of this section, the department may maintain only a log of dates of requests for criminal background checks and unique approval numbers corresponding to such dates for an indefinite period.

IV. Nothing in this section shall be construed to allow the department to maintain records containing the names of licensees who receive unique approval numbers or to maintain records of firearm transactions, including the names or other identification of licensees and potential buyers or transferees, including persons not otherwise prohibited by law from the receipt or possession of firearms.

2 Funding. If the department of safety conducts criminal background checks as authorized in RSA 159-D, as inserted by section 1 of this act, the source of funding for such checks shall be federal grants or funds within the department's existing budget.

3 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

The bill authorizes the department of safety to perform criminal history, protective order, and national instant criminal background checks for firearms purchases in accordance with the Brady Act. If the department performs such checks, the source of funding for such checks shall be federal grants or funds within the department's existing budget.

The bill also requires that information provided to the department by prospective firearms purchasers be kept confidential by the department.  
Referred to Finance.

**HB 687-FN**, establishing the criminal offense of identity fraud. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: "It's one of the fastest growing crimes in the nation." And it's so simple: A thief obtains your social security number or arms himself with a blank, pre-approved credit application. Or he can pose as a loan officer and request credit reports with account numbers. Once he gets the information, the identity theft can open new accounts or establish lines of credit in your name. But forget the credit application and account number, your social security number unlocks a gold mine – education, medical, financial and credit records. Unfortunately, victims (thousands a year) don't even know they have been robbed until they get outrageous charges on their credit card statements or a bad credit report. HB 687 establishes the crime of identity fraud. It defines what personal identifying information is, who a victim is, and who "poses" to get the information. The penalties used are from our theft statute. We inserted a provision for restitution and defined venue so that a complaint may be properly made. As shown by our vote, we believe this is a necessary and important piece of legislation. Vote 15-0.

**Amendment (0526h)**

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Identity Fraud. Amend RSA 638 by inserting after section 24 the following new subdivision:

Identity Fraud

638:25 Definitions. In this subdivision:

I. "Personal identifying information" means any name, number, or information that may be used, alone or in conjunction with any other information, to assume the identity of an individual, including any name, address, telephone number, driver's license number, social security number,



employer or place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, credit card number, debit card number, personal identification number, account number, or computer password identification.

II. "Pose" means to falsely represent oneself, directly or indirectly, as another person or persons.

III. "Victim" means any person whose identifying information has been unlawfully obtained or recorded or any person or entity that provided money, credit, goods, services, or anything of value and has suffered financial loss as a direct result of the commission or attempted commission of a violation of this subdivision.

#### 638:26 Identity Fraud.

I. A person is guilty of identity fraud when, with the purpose to defraud in order to obtain money, credit, goods, services, anything of value, any identification card or other evidence of such person's identity, the person:

(a) Poses as another person without the express authorization of such person.

(b) Obtains or records personal identifying information about another person without the express authorization of such person, with the intent to pose as such person; or

(c) Obtains or records personal identifying information about a person without the express authorization of such person in order to assist another to pose as such person.

II.(a) Identity fraud is:

(1) A class A felony if the value of the property or services obtained exceeds \$1,000.

(2) A class B felony in all other cases.

(b) The value may be determined according to the provisions of RSA 637:2, V.

III. A person found guilty of violating any provisions of this section shall, in addition to the penalty under paragraph II, be ordered to make restitution for economic loss sustained by a victim as a result of such violation.

638:27 Venue. If any act performed in furtherance of the offenses prohibited by RSA 638:26 occurs in this state or if any victim of the offenses prohibited by RSA 638:26 resides in this state, the offense shall be deemed to have occurred in this state.

### AMENDED ANALYSIS

This bill establishes the criminal offense of identity fraud.

**HB 714-FN**, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison. **OUGHT TO PASS WITH AMENDMENT** Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill changes the potential penalties for attempt to commit murder, solicitation of murder, and conspiracy to commit murder by providing the court with the discretion to sentence persons convicted to longer terms of incarceration. These are murders that are planned but not completed for various reasons even though the offender formed the bad intent to commit the underlying murder and had every intent to finish the crime. The committee feels that the judge should have the discretion to sentence such an offender to longer periods than are currently in law. The bill increases the potential sentences for attempt to commit murder from 30 years to up to life, increases the potential sentence for solicitation of murder and conspiracy to commit murder from up to 15 years to up to 30 years. Vote 17-1.

#### Amendment (0404h)

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as section 5:

4 Repeal. RSA 651:2, II-c, relative to sentences and limitations, is repealed.

### AMENDED ANALYSIS

This bill changes the potential punishment for acts of solicitation to commit murder and conspiracy to commit murder to not more than 30 years imprisonment.

The bill also increases the potential punishment for attempted murder to life imprisonment, and repeals the former sentencing provision of RSA 651:2, II-c.

**HB 398**, relative to prayer in the public schools. **INEXPEDIENT TO LEGISLATE**

Rep. Susan B. Durham for Education: In the best interest and objective to the bill, the sponsors have asked for it to be inexpedient to legislate. The committee, in response to the sponsors' request and with concern about the constitutionality of the bill, agreed to that request. Vote 12-3.

**HB 466**, establishing a commission to study education options in school districts not maintaining a high school. RE-REFER TO COMMITTEE

Rep. John Alger for Education: This bill asks that a commission be established to study options for the 28 school districts that do not now have high school facilities in their districts. The committee decided to re-refer the bill in order to request the State Board of Education and the Department of Education to review the issue, address the concerns of the 28 school districts and report recommendations to the committee. Vote 15-2.

**HB 582**, eliminating the funding of athletic scholarships by institutions within the university system of New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Warren Henderson for Education: The committee heard extensive testimony that the ultimate impact of eliminating athletic scholarships in the university system may be to jeopardize many college sports in New Hampshire. Only about 10% of all scholarships are given to athletes, and many of those are only partial scholarships. By selectively awarding athletic scholarships, our colleges can field more competitive sports teams. More competitive teams attract more fans, which generates more revenue, which minimizes the financial burden of athletics on the university system. Taking away those scholarships will have the opposite effect. As sports teams become more of a burden the temptation will be to eliminate the teams. Athletic scholarships benefit all athletes on our sports teams by giving them the best chance to compete and win and to continue to be a source of pride throughout New Hampshire. Vote 17-0.

**HB 677-FN-L**, establishing a teacher compensation advisory board for the purpose of developing a statewide teacher compensation system. INEXPEDIENT TO LEGISLATE

Rep. David E. Larrabee for Education: The sponsor of the bill desired to see established, a teacher compensation advisory board to advise the State Board of Education on the adoption of a statewide teacher compensation system based on merit and performance criteria. Because salary is the most negotiable piece of a local contract, the result would eliminate local control on salary schedules and compensation. Establishing rules for teacher compensation would result in a state mandate. Vote 19-0.

**HB 61**, relative to political contributions by members of the ballot law commission. OUGHT TO PASS

Rep. Raymond Buckley for Election Law: This bill was introduced at the request of the members of the Ballot Law Commission. The Commissioners feel that there is a need to prohibit contributions to candidates by BLC members in order to eliminate the potential appearance of a conflict of interest in their rulings. The committee supports the Commissioners request. Vote 15-0.

**HB 338**, relative to absentee voting procedures. INEXPEDIENT TO LEGISLATE

Rep. Christine M. Konys for Election Law: This bill would have repealed the provisions permitting a moderator to reject an absentee ballot because of an improperly executed affidavit. The committee voted ITL with the agreement of the sponsor. There is a similar bill, which takes a more comprehensive view of the absentee balloting procedure, which has been introduced in the Senate. The sponsor and the committee felt that this bill is therefore unnecessary. Vote 16-0.

**HB 335**, prohibiting the land application of sludge in reclamation areas. RE-REFER TO COMMITTEE

Rep. Betty B. Hall for Environment and Agriculture: Alternative methods of reclaiming spent gravel pits are being studied as well as the effect of papermill sludge on aquifers. This is a controversial issue. The Senate has bills dealing with the problem. Both bodies need to coordinate our efforts. We need to continue our search for a solution. Vote 15-0.

**HB 556-FN**, relative to transporting hazardous waste. OUGHT TO PASS

Rep. Kenneth R. Marshall for Environment and Agriculture: This bill was a request of the Department of Environmental Services and simply modifies the hazardous waste transporter registration requirements, confers additional enforcement authority to the Department of Environmental Services relative to hazardous waste transportation, and makes technical changes to the hazardous waste management laws. Vote 15-0.

**HB 88-FN**, relative to purchasing credit for prior service for certain employees in the New Hampshire retirement system. **OUGHT TO PASS**

Rep. Robert C. Batchelder for Executive Departments and Administration: Existing law provides that when a municipality opts to have its employees become members of the New Hampshire Retirement System, an employee may be credited by the NHRS for years of prior service with that municipality provided that the employee within one year "buys into" the retirement system by making a lump sum payment equal to the accrued liability contributions for those prior years. Recognizing that an employee with many years of prior employment may have difficulty accumulating a large lump sum within the one-year limit, HB 88 will extend the time limit to five years. This change will benefit such employees, at no cost to the retirement system. Vote 18-0. Referred to Finance.

**HB 397**, establishing a 4-year term for the commissioner of the department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frank V. Sapareto for Executive Departments and Administration: This bill clarifies the four-year term for the commissioner for the department of corrections. It specifies the term for a period of four years upon which the governor and council are required to either re-appoint or make a new appointment. It also clarifies the current commissioner's term as starting his four - year appointment from the date of hire last year and commencing four years from that date. This four-year period is consistent with other commissioner appointments. Vote 17-0.

#### **Amendment (0423h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a 4-year term for the commissioner of the department of corrections, and clarifying the process of appointing personnel under the commissioner.

Amend the bill by replacing all after the enacting clause with the following:

I Term of Appointment. Amend RSA 21-H:6, I and II to read as follows:

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, ~~[and shall serve at the pleasure of the governor]~~ **for a term of 4 years from the date of the appointment and until a successor is appointed and qualified.**

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each division director, the ~~[warden]~~ **wardens** of **all** the New Hampshire state ~~[prison for men, the superintendent of the lakes region facility, and the superintendent of the New Hampshire state prison for women]~~ **prisons**. All division directors~~;~~ **and the [warden] wardens** of the New Hampshire state ~~[prison for men, the superintendent of the lakes region facility, and the superintendent of the New Hampshire state prison for women]~~ **prisons** shall serve at the pleasure of the commissioner.

#### **2 Application.**

I. The provisions of RSA 21-H:6, I, as amended by section 1 of this act, shall apply to any appointments made after the effective date of this act.

II. The term of the commissioner in office on the effective date of this act shall be deemed to have started on January 8, 1998, the date of initial appointment.

3 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill establishes a four-year term for the commissioner of the department of corrections and clarifies the process of appointing personnel under the commissioner.

**HB 448**, relative to the board of dental examiners and the regulation of dentists and dental hygienists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill clarifies the adjudicatory process that deals with professional misconduct, board investigations, and hearings following up on legislation passed in 1997 relative to the rules of the Board of Dental Examiners. The amendment requires rules to be adopted under 541-A and retains the current scope of practice of the dental hygienists. Vote 17-0.

**Amendment (0540h)**

Amend RSA 317-A:8, I as inserted by section 8 of the bill by replacing it with the following:

I. Applications for licensure shall be made to the board in writing and shall be accompanied by a fee established *in rules adopted under RSA 541-A* by the board and by satisfactory proof that the applicant is a graduate of a school, *or has completed an educational specialty program of at least 2 years*, that is recognized by the American Dental Association Commission of Accreditation of Dental and Dental Auxiliary Educational Programs. The applicant shall be of good professional character and 18 years of age or older.

Amend RSA 317-A:21, II as inserted by section 23 of the bill by replacing it with the following:

II. Applications for licensure as a dental hygienist shall be made to the board in writing and shall be accompanied by a fee established by the board and by satisfactory proof that the applicant is a graduate of a school of *dentistry or a school of* dental hygiene with a minimum of a 2-year program in an institution of higher education, the program of which is accredited by a national accrediting agency recognized by the United States Department of Education and the American Dental Association Commission of Dental Accreditation.

Amend the bill by deleting section 24 and renumbering the original sections 25-31 to read as 24-30, respectively.

**HB 474-FN**, relative to the annual audit of New Hampshire retirement system funds. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The bill would have required the office of the legislative budget assistant (LBA) to hire an outside, nationally recognized accounting firm to do the annual audit in one of the next five years. Prior to the filing of this bill, the LBA had started on his own initiative, to prepare for an outside audit firm. The LBA has met with 5 qualified firms and is now in the process of preparing the specifications for bidding on the contract for the next three years, therefore, this bill is no longer needed. Vote 17-0.

**HB 476**, establishing a committee to study the feasibility of allowing state and local government part-time employees to participate in their employer's group insurance coverage. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This subject has been before the legislature in the past. This bill would establish a study committee; however, the full committee felt that this subject should be one of negotiations. Vote 18-0.

**HB 598-FN**, relative to the licensure of x-ray technicians. RE-REFER TO COMMITTEE

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill would have established a process for licensing x-ray technicians. Public testimony revealed some problems in the way the bill was written. By the time this bill was reviewed by a subcommittee, ED&A received a copy of SB 90 which establishes a study committee to review issues prior to licensure of x-ray technicians. The subcommittee felt that this situation should be studied and felt that the appropriate action is to re-refer this bill. Vote 16-0.

**HB 601**, allowing the assistant commissioner of corrections to act on behalf of the commissioner in the commissioner's absence, establishing a term of appointment for the commissioner of corrections, and correcting out-of-date references and phraseology pertaining to the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Frank V. Sapareto for Executive Departments and Administration: This bill would allow the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties. It further corrects outdated references in phraseology pertaining to the department of corrections. When the commissioner is unable to perform duties, such may be delegated to the assistant commissioner but not further down the chain of command. Vote 18-0.

**Amendment (0523h)**

Amend the title of the bill by replacing it with the following:

AN ACT allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, and correcting out-of-date references and phraseology pertaining to the department of corrections.

Amend the bill by replacing all after the enacting clause with the following:

1 Powers and Duties of the Commissioner of Corrections. Amend RSA 21-H:8, II (d) to read as follows:

(d) Delegate authority to subordinates as [~~he~~] ***the commissioner*** deems necessary and appropriate, except that rulemaking authority shall not be delegated. The commissioner shall provide by delegation for the assistant commissioner or a division director to exercise authority in [~~this~~] ***the commissioner's*** absence. All such delegations shall be made in writing, shall be disseminated to all division directors, shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the commissioner's office. ***The assistant commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.***

2 New Subparagraph; Clarification of Term. Amend RSA 651:6, I by inserting after subparagraph (n) the following new subparagraph:

(o) As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail or corrections institution, a probation-parole officer or a conservation officer.

3 New Subparagraph; Addition to Committee Membership. Amend RSA 4:9-c, I by inserting after subparagraph (k) the following new subparagraph:

(l) The commissioner of corrections or designee.

4 Department of Corrections Annual Plan. Amend RSA 21-H:8, X to read as follows:

X. The commissioner shall develop, publish, and periodically revise an annual comprehensive plan for the state's correctional system which shall indicate, among other things, the department's goals, objectives, resources, current conditions, and needs. [~~The commissioner shall cooperate with the commissioner of the department of youth development services in preparing the juvenile section of the plan required by RSA 621:12, II. The commissioner shall adopt the juvenile section submitted by the commissioner of youth development services without revision.~~] The report shall contain information on any substantial modification of existing facilities, the progress on construction of new facilities, and whether such construction or modification is being undertaken by public or private entities. The commissioner shall annually submit such comprehensive plan to the governor and council, speaker of the house, president of the senate, and governing bodies of municipalities where state corrections facilities are located.

5 Reference Change and Addition to Personnel Group. Amend RSA 94:1-a by:

I. Deleting in group M:

Superintendent, New Hampshire state prison for women.

Superintendent, lakes region facility, department of corrections.

II. Inserting in group M:

Warden, New Hampshire state prison for women.

Warden, lakes region facility, department of corrections.

III. Inserting in group O:

Warden, Berlin prison facility, department of corrections.

6 Terminology Correction. Amend RSA 622:33-a, II to read as follows:

II. The New Hampshire state prison for women shall be under the superintendence of a [~~superintendent~~] ***warden***. The [~~superintendent~~] ***warden*** shall serve at the pleasure of the commissioner of corrections and shall be an unclassified employee qualified by education and experience.

7 Reference Change. Amend RSA 622:2-a to read as follows:

622:2-a The [~~warden~~] ***wardens*** of the New Hampshire state [~~prison for men~~] ***prisons*** shall serve at the pleasure of the commissioner and shall be [~~an~~] unclassified [~~employee~~] ***employees*** qualified by education and experience.

8 Correction to Jurisdiction. Amend RSA 541-B:9, V to read as follows:

V. Notwithstanding paragraph II, the department of corrections shall have exclusive jurisdiction to investigate, conduct hearings and make decisions, and render or deny awards on claims against the [~~state prison~~] ***department of corrections*** when the amount involved is less than \$500.

9 Repeal. RSA 622:1, relative to the general penitentiary, is repealed.

10 Repeal. RSA 622:2-b, relative to the superintendent of the lakes region facility, is repealed.

11 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill allows the assistant commissioner to assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties and corrects certain out-of-date references pertaining to the department of corrections.  
Referred to Finance.

**HB 686-FN**, defining the state heritage collections committee's responsibilities and the process for acquiring or disposing of items and collections. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Michael O'Neil for Executive Departments and Administration: This bill sets out the procedure for the heritage collections committee approval for the disposal of all state owned objects of historical, cultural or artistic value through publicly advertised sales or auction. Vote 14-0.

**Amendment (0644h)**

Amend the bill by replacing section 1 with the following:

I Sale of Items or Collections. Amend RSA 227-C:22, VI to read as follows:

VI. The committee shall approve or disapprove plans to dispose of any state-owned object of historical, cultural or artistic value. *Such items shall be sold through publicly advertised sale or auction.*

**HB 278**, relative to scheduling of district court sessions. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Steve Vaillancourt for Finance: The amendment eliminates the need for a fiscal note, and the Finance Committee concurs with the policy committee (Judiciary) and previous vote of the House. The amendment stipulates that district court judges shall hold special sessions (such as night sessions) "as may best serve the convenience of the communities within their district." By striking the phrase noting specific locations and times we allow the scheduling judges enough discretion so that no additional costs should be incurred. Vote 25-0.

**Amendment (0663h)**

Amend RSA 502-A:2, I as inserted by section I of the bill by replacing it with the following:

I. The purpose of the establishment of this system of district courts is to provide the minimum number of courts which will adequately serve the convenience of the public, both transient and permanent residents of this state. To accomplish this purpose, districts must serve certain towns within their district having regard for the parties, the seasonal influx of population in certain areas, and such other considerations as the expeditious and effective administration of justice may require. In addition to the regular sessions which are required to be held in various districts under the provisions of this chapter, *or in replacement of a portion of regular sessions*, the justice or special justice of each district ~~may~~ *shall* hold special sessions ~~in such localities within their respective district and at such times~~ as may best serve the convenience of the communities within their district, provided, however, that no such special session shall be held in any building which does not meet the minimum standards prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

**HB 632-FN-A**, directing a portion of fees for copies of motor vehicle records to be deposited in a nonlapsing account within the department of safety, division of fire standards and training. **INEXPEDIENT TO LEGISLATE**

Rep. Jeffrey C. MacGillivray for Finance: The bill increased the fee insurance companies pay for copies of motor vehicle records from \$7 to \$8, and used the \$1 increase to establish a dedicated fund for firefighter training courses and purchase of related training equipment. The division director then requested that the fee not be increased, but that instead part of the existing fee be transferred from the general fund to establish this dedicated fund.

The Finance Committee is generally reluctant to establish additional dedicated funds, and prefers to allocate funds among all budget items during the budget process. The request for additional training funds will continue to be discussed during the budget process. Vote 24-1.

**HB 361**, requiring the suspension of attorneys who do not abide by a client's decision whether to accept an offer of settlement. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary: There were many reasons the committee voted inexpedient to legislate. The most important reason is that the case that precipitated this bill is currently before the supreme court. There are currently no other professions, including real estate, medical, engi-

neering, where the legislature spells out a penalty. As a rule in equity cases, a contract is signed with the client. Settlements that a client has not seen can be set aside by the court. Court rules of professional conduct require an attorney to abide by the client's decisions. The client can report the attorney to the professional conduct committee and also sue for malpractice. In sum, there are multiple remedies in place currently. Vote 17-0.

**HB 382**, making the law against discrimination by employers applicable to charitable and educational organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Martha S. Solow for Judiciary: This bill would remove exemptions for charitable and educational associations or corporations from the law against discrimination by employers. As written, the terms are not clearly defined. In addition, the committee questioned the advisability of removing all exemptions except those for small businesses. The committee will consider these issues under HB 551, which proposes to remove all exemptions. Vote 16-1.

**HB 544**, relative to limitations on landowner liability. **INEXPEDIENT TO LEGISLATE**

Rep. Loren J. Jean for Judiciary: Upon its surface the provisions of the bill seemed to further limit landowner liability. However, it was considered by the committee that the proposal needed further work, and as presently written, it would erode the present statutes which effectively protect the landowner, and adequately address liability. At the request of the sponsor, upon learning of these diminishing provisions, the committee agreed to leave well enough alone. Vote 17-0.

**HB 568**, establishing a review panel to review judicial officers. **RE-REFER TO COMMITTEE**

Rep. James W. Craig for Judiciary: This bill establishes a review panel, consisting of legislators and members appointed by governor and council, to review judicial officers at least once every seven years following his or her appointment. There are many views on the issue of judicial review and many bills concerning the subject. The committee voted 16-2 to re-refer this bill for further study along with the many other bills on the issue of judicial reform. The committee feels that this approach will result in a more coherent picture of what, if anything, should be done. Vote 16-1.

**HB 575**, limiting railroad liability for passenger and tourist rail service. **RE-REFER TO COMMITTEE**

Rep. John M. Pratt for Judiciary: While totally sympathetic with the desire of the bill's supporters to further the cause of railroad revitalization in New Hampshire, the committee concluded that the costs to the state were not clear and the financial limits of a railroad's liability which the bill would establish were insufficient. Given the importance of the issue the committee voted overwhelmingly to re-refer the bill. Vote 18-1.

**HB 393-FN-A**, establishing a sunset review process for state agencies and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Legislative Administration: The purpose of this bill was to reestablish the sunset review process of all agency programs. The legislature had a sunset program from November of 1978 to May of 1987 when the legislature sunset the sunset committee. After the sunset program ended, the legislature established the performance audit group in the legislative budget office to review agency programs. This program is working well and does not require as much agency time as the sunset process did.

Under House rules, a standing committee may consider all matters pertaining to their subject areas. That could include a review of agency programs and the committee could issue a report if they felt a particular action should be taken. This bill would appropriate one dollar for this year, but the fiscal note indicated a cost of \$337,000 in the first year to meet the goals outlined in the bill. Given the cost of the sunset program and the fact that the performance audit program was working well, the committee felt that this bill should be inexpedient to legislate. Vote 14-0.

**HB 391**, establishing a village plan alternative in zoning and land use planning laws. **RE-REFER TO COMMITTEE**

Rep. Betsey L. Patten for Municipal and County Government: The committee reviewed this proposal for traditional village planning along with HB 209, which also deals with traditional village patterns. The bills look at village planning from two different aspects. The sponsor of this bill worked with the Office of State Planning and the New Hampshire Municipal Association to discuss a variety of changes. The committee recommends re-referring this bill to discuss the possibility of creating a model ordinance that communities may choose to adopt locally. Vote 15-0.

**HB 433**, relative to moorings on public waters. INEXPEDIENT TO LEGISLATE

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill proposes a process where the state mooring program may be extended from the existing coverage of the six largest lakes to other lakes. The Committee wishes to address this issue, but wishes to use SB 46 as a vehicle since it is a similar bill. The sponsors of both bills have agreed to this approach. Vote 17-0.

**HB 539-FN**, relative to public access to Squam Lake. RE-REFER TO COMMITTEE

Rep. David M. Lawton for Resources, Recreation and Development: This bill would encourage legislative support to provide full public access to Squam Lake. HB 539-FN was Re-Referred so that the committee would have time to oversee the Fish and Game Department's and the Squam Lake Communities' response to provide public access. The committee would expect to consider taking action on its own in the future to assure free public access to New Hampshire's second largest lake if the issue is not properly resolved. Vote 17-0.

**HB 610-FN-A-L**, prohibiting the use of wheeled OHRVs on trails maintained by the bureau of trails during the winter. INEXPEDIENT TO LEGISLATE

Rep. H. Charles Royce for Resources, Recreation and Development: This bill would keep all OHRV's off state maintained trails when they are snow covered. There was overwhelming opposition to this bill by both snowmobile and Off Highway Recreational Vehicles (OHRV's) groups throughout the majority of the state. The Committee felt that the Trails Bureau in the Division of Parks and Recreation is working with all users of their trails for the best recreational experience for all. Vote 17-0.

**HB 642-FN**, relative to the availability of trails under the jurisdiction of the department of resources and economic development. INEXPEDIENT TO LEGISLATE

Rep. Michael D. Whalley for Resources, Recreation and Development: Members of the Committee agreed with the sponsor that the bill as written did not satisfy the sponsors intent of defining different types of recreational trail use. As drafted, the bill was written in a way which was specific to the use off highway recreational vehicles which was too narrow a view from the sponsor's point of view. There was no testimony in support of the bill. The sponsor of the bill chose not to amend the bill to accomplish his original goal. Vote 17-0.

**HB 659**, relative to the use of ski craft on the waters of the state. INEXPEDIENT TO LEGISLATE

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: The major portion of this bill relates to jet ski regulations and mandatory jet ski operator education. The Committee chose to support unanimously HB 449-FN which is a more comprehensive, mandatory, phased-in, boater safety education certification program. Operators of all motorized vessels in excess of 15 hp will be covered by HB 449-FN. Vote 17-0.

**HB 387**, relative to local telephone calling areas, access charges, and competitive telephone services. RE-REFER TO COMMITTEE

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee determined that re-referral was the best option due to the broad public policy implications of this bill. The bill sought to expand local telephone calling areas. While such a policy could be very useful, base rates could increase and there could be diminished opportunities for in-state long distance calling. The bill also sought information from phone companies that are regulated and also provide competitive services about potential separation or divestiture of the company into different subsidiaries. Lastly, the bill sought to reduce the access charge by a local phone company to originate or terminate an inter or intrastate long distance call. These access charges have been substantially reduced in the last several years but long distance companies claim the charges exceed the cost of providing the service. The committee discussed proceeding with this latter portion of the bill and asked that Bell Atlantic and long distance competitors such as AT&T and MCI agree on common language. There was no agreement unfortunately. The Public Utilities Commission (PUC) has lowered these access charges when the earnings of a regulated phone company are such that the charge can be lowered without a corresponding increase in local dial tone service. The PUC may well continue this practice without a legislative directive. Also requiring further study will be the impact of any of these initiatives on the thirteen small independent phone companies that service 6% of the state. Any policy changes must reflect the special circumstances of these small companies and their customers. Vote 20-0.



**HB 592, creating a study committee regarding requirements for and usage of methyl t-butyl ether. OUGHT TO PASS WITH AMENDMENT**

Rep. Terie T. Norelli for Science, Technology and Energy: Methyl t-butyl ether (MTBE) is a fuel additive in conventional gasoline to improve engine performance and replace lead. It is also found in higher concentrations in reformulated gas, which is required by federal law to reduce harmful auto emissions. Gasoline may make its way into the ground due to leaking underground tanks, small spills at filling stations, or from leaky vehicles. Unfortunately, because of its water solubility, MTBE moves more quickly in groundwater than do other gasoline components and has become a threat to some water supplies in the state. This bill, as amended, established a committee to study the comparative risks of MTBE and other gasoline components, to study the relative benefits, costs and technical feasibility of MTBE and potential substitutes on both air and water pollution, and to study actions that could be taken to reduce the impact of MTBE on surface and groundwater. The committee is also considering a companion bill, HB 694, that begins the process of curbing MTBE. Vote 17-0.

**Amendment (0661h)**

Amend the bill by replacing all after the enacting clause with the following:

**1 Findings. The general court finds that:**

I. It is concerned that the gasoline component methyl t-butyl ether (MTBE), which is currently added to gasoline to meet requirements of the Clean Air Act, may have water pollution impacts exceeding its air pollution reduction benefits.

II. This is a nationwide issue and studies have been conducted and are being conducted to evaluate the relative benefits, relative impacts, and relative costs of different gasoline components and of the federal requirement that oxygenates such as MTBE be added to gasoline.

III. The comparative risks of MTBE and other gasoline components should be carefully studied, and the results of all available studies carefully evaluated, prior to taking any action such as proscribing any one gasoline component without good information about the likely consequences of its likely replacements.

2 Committee Established. There is established a committee to study and review issues related to the use of methyl t-butyl ether (MTBE) and other gasoline components and the comparative risks of their use upon air pollution and water pollution.

**3 Membership and Compensation.****1. The members of the committee shall be as follows:**

(a) Five members of the house of representatives, at least 2 of whom shall be from the science, technology and energy committee and at least one of whom shall be from the resources, recreation and development committee appointed by the speaker of the house. The speaker of the house may appoint up to 3 other house members, if deemed necessary, as alternates.

(b) At least 3 but not more than 5 members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

**4 Duties. The committee shall be responsible for the following:**

I. Monitoring and assisting efforts to eliminate the federal requirement that oxygenates such as MTBE be added to gasoline.

II. Studying the relative benefits, relative impacts, relative costs, legality and technical feasibility of MTBE and its potential gasoline oxygenate substitutes on levels of air pollution and water pollution.

III. Studying the usage, relative benefits, relative impacts, relative costs, legality and technical feasibility of MTBE and its potential gasoline component substitutes on levels of air pollution and water pollution in the event that the federal oxygenate requirements were decreased or eliminated.

IV. Studying various actions that could be taken to reduce the impact of MTBE on surface water and ground water, including reducing emissions from marine engines prior to the effective date of future federal standards.

5 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

7 Effective Date. This act shall take effect upon its passage.

**HB 368**, relative to motor vehicle learner's permit requirements. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert J. Letourneau for Transportation: This bill would require teen drivers to have 90 days of practice time with an adult prior to being eligible for a youth driver's license. The committee saw merit in this concept and commends the sponsor for his effort. The committee took this idea and included it in HB 491. Vote 16-0.

**HB 432**, requiring persons under 18 who complete a driver's education course to also do practice driving with a parent or guardian. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert J. Letourneau for Transportation: This bill would require persons under 18 who complete a driver's education course to also practice with a parent or guardian. The committee recognized the merit of this concept and commends the sponsors for their effort. The committee had several bills with similar language and included this idea in HB 491. Vote 16-0.

**HB 491**, requiring the department of safety to conduct all qualifying examinations of individuals seeking driver's licenses. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Robert J. Letourneau for Transportation: This bill is a follow-up bill that continues the effort to improve teen driver education. The committee combined four bills into one rather than passing four separate pieces of legislation concerning the same subject matter. The first part of this bill requires the Department of Safety to be responsible to administer the qualifying examinations for individuals seeking driver's licenses. The amendment requires the administrators of driving schools to conduct 10 hours of practice driving time with pupils. It also provides that persons under the age of 18 must complete 60 hours of additional supervised driving time with a parent, guardian or person over 25 years of age in order to obtain a license. This amendment also provides an exemption for motorcycle endorsements provided that the applicant successfully completes the New Hampshire motorcycle safety program. This bill has the support of the DOS, DOE, AAA and NH driver instructors. The committee strongly supports this bill. Vote 16-0.

#### **Amendment (0564h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 5 and 6, respectively:

4 Behind the Wheel Training Requirements Increased. Amend RSA 263:19 to read as follows:  
263:19 Driver Education.

**I.** A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle driver's school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training *of not less than 10 hours*, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required.

**II.** *To qualify for a driver's license under this section, a person under the age of 18 shall also certify the completion of 60 hours of additional supervised driving time under the supervision of a licensed parent or guardian, or, if there is no licensed parent or guardian, under the supervision of a licensed adult over the age of 25. The commissioner shall adopt rules relative to the method of certification.*

**III.** *Any person who wishes to obtain a motorcycle endorsement shall not be required to complete the 60 hours of practice driving time specified in paragraph I, but shall successfully*

***complete a program authorized pursuant to RSA 263:34-b and shall be exempt from RSA 263:14, II(c) while operating a motorcycle.***

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Sections 1, 2, 3 and 5 of this act shall take effect January 1, 2000.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires all qualifying examinations for individuals seeking to obtain driver's licenses be conducted by department of safety personnel. The bill also requires administrators of approved driver education courses to conduct 10 hours of practice driving time with pupils, and provides that persons under the age of 18 must complete 60 hours of additional supervised driving time with a parent or guardian in order to obtain a license. Motorcycle license applicants are exempted from the additional 60 hours of driving time.

**HB 496-FN-L**, relative to increasing the minimum number of hours required for novice drivers enrolled in driver's education programs. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill increases the minimum number of hours required for novice drivers enrolled in driver education programs. The committee recognized the merit of this bill and commends its sponsors for their efforts. The committee included the concept of this bill in HB 491. Vote 16-0.

**HB 554**, relative to driver education reciprocity. OUGHT TO PASS WITH AMENDMENT

Rep. George A. LaPorte for Transportation: This bill would require students taking driver education out of state to meet the minimum standards of New Hampshire. Only individuals 16 and 17 years of age would be affected. Those who wish to wait until the age 18 or older would not be required to take a driver education course to obtain a driver's license. Vote 17-0.

#### Amendment (0551h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Hampshire Driver Education Requirements. Amend RSA 263:20 to read as follows:

263:20 Driver Education; Reciprocity. The provisions of RSA 263:19 shall not prevent the issuance of a driver's license to any individual who can produce satisfactory evidence of completion of an equivalent course of driver education, approved by the issuing state, provided that the commissioners of safety and education acting jointly shall determine that such course is equivalent to New Hampshire's driver education course ***and provided that such course meets or exceeds the state's minimum standards.***

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires that new residents attempting to obtain a drivers license in the state shall have completed driver education or training which meets the state's minimum standards.

**HB 559-FN-A**, authorizing vanity plates or decals for OHRV registrations. OUGHT TO PASS WITH AMENDMENT

Rep. Alfred C. Lerandeau for Transportation: This bill, as amended, allows the executive director of the fish and game commission, for a fee, to issue vanity plates or decals for residents only to be used on off highway recreational vehicles. A portion of the monies raised would further the OHRV training programs, and would not cause any fiscal impact to the state. Vote 17-0.

#### Amendment (0561h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Individual Vanity Plates or Decals. Amend RSA 215-A by inserting after section 23 the following new section:

215-A:23-a Individual Vanity Plates or Decals. The executive director is hereby authorized to design and to issue vanity plates or decals for residents only to be used on off highway recreational vehicles in lieu of other number plates or decals. Such plates or decals shall be of such design and shall bear such letters or letters and numbers as the executive director shall prescribe, but there shall

be no duplication of identification. The executive director, or designee, may deny or revoke any plate or decal deemed inappropriate. Such vanity plates or decals shall be issued only upon application therefor and upon payment of a special fee of \$20. The special fee shall be in addition to the regular OHRV registration fee under RSA 215-A:23 and any fee otherwise required by law for the particular vehicle. All special fees collected under this section shall be nonlapsing and continually appropriated to the fish and game department for the purposes described in RSA 215-A:23, VIII(b), the administrative costs of this section, and the actual costs to produce the plates or decals. The executive director shall, if necessary, adopt rules pursuant to RSA 541-A relative to the application for, design of, issuance, denial, or revocation of vanity plates or decals.

2 Effective Date. This act shall take effect July 1, 2001.

### AMENDED ANALYSIS

This bill authorizes the executive director of the fish and game commission to issue, for a fee, vanity plates or decals to be used on OHRVs for residents. Fees paid for the vanity plates or decals are continually appropriated to the fish and game department for OHRV training programs and administrative and production costs of plates or decals.  
Referred to Finance.

### HB 651, revising the speed limit law. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill revises the speed limit law by allowing the commissioner of the department of transportation to reduce the speed limit in the event of vehicle or weather emergencies. This bill would allow the commissioner to erect signs that may carry either a fixed speed limit or a changeable message so designed as to permit display of different speed limits at various times of the day or night. Vote 17-0.

### Amendment (0361h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Speed Limit Statute Revised. Amend RSA 265:60, II by inserting after subparagraph (e) the following new subparagraph:

(f) On a portion of a highway where officers or employees of the agency having jurisdiction of the same, or any contractor of the agency or their employees, are at work on the roadway or so close thereto as to be endangered by passing traffic, at a speed of 10 miles per hour below the usual posted limit, but in no case greater than 45 miles per hour. The speed shall be displayed on signs as required by RSA 265:6-a.

2 Establishment of State Speed Zones. Amend RSA 265:62, I to read as follows:

1. Whenever the commissioner of transportation shall determine, upon the basis of an engineering and traffic investigation, *or in the event of vehicle or weather emergencies*, that any prima facie speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, outside the compact part of cities or towns, said commissioner may determine and declare a reasonable and safe prima facie speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. *Such signs may carry either a fixed speed limit legend or a changeable message so designed as to permit display of different speed limits at various times of the day or night.* Such a prima facie speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs. The said commissioner shall keep and maintain a full and complete record of all speed zones established by him and all alterations, amendments or removal thereof.

3 Establishment of Speed Zones. Amend RSA 236:7 to read as follows:

236:7 Establishment of Speed Zones. Whenever the commissioner of transportation shall determine upon the basis of an engineering and traffic investigation, *or in the event of vehicle or weather emergencies*, that any prima facie speed limit set forth in RSA 265:60 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of a class I, class II or class III highway, outside the compact part of cities or towns, said commissioner may determine and declare a reasonable and safe prima facie speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of said highway. *Such signs may carry either a fixed speed limit legend or a changeable message so designed as to permit display of different speed limits at various times of the day or*

*night. Such a prima facie speed limit may be declared to be effective at all times or at such times as are indicated upon said signs.* The commissioner shall keep and maintain a full and complete record of all speed zones established by him and all alterations, amendments or removal thereof.

4 Effective Date. This act shall take effect 60 days after its passage.

## COMMITTEE REPORTS

### CONSENT CALENDAR – PART II

Rep. Chandler moved that the Consent Calendar Part II with the relevant amendments as printed in the day's House Record be adopted.

**HB 682-FN-A**, establishing a statewide program for the removal of graffiti from public property, removed by Rep. Belvin.

Consent Calendar adopted.

**HB 654-FN-L**, relative to the disposition or sentencing of persons under 18 years of age who commit certain crimes. **INEXPEDIENT TO LEGISLATE**

Rep. L. Randy Lyman for Children and Family Law: This bill sets forth a procedure whereby juveniles, who have committed certain felony crimes and have been certified as adults, serve part of their sentence at YDC and then possibly get paroled once they reach the age of majority, regardless of the sentence given by the adult court. The bill also encompassed both the juvenile justice and county budget, and the state corrections budget. It is the committee's hope that the sponsor might consider dividing the subject matter into 2 future pieces of legislation. Vote 15-1.

**HB 652-FN**, relative to victims' assistance, penalty assessments on criminal offenses, and establishing a victims fund which is continually appropriated for district court victim-witness programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill re-emphasizes the importance of helping victims of violent crime. The Victims' Assistance Fund, since its establishment in 1988, has ensured that victims do not suffer financial losses out of pocket such as funeral costs, counseling, and medical expenses resulting from the crime. The fund was originally created from 2% of penalty assessments on all fines and penalties so that tax dollars were not used. 15% of penalty assessments is used to fund police standards and training. For 10 years, 3% of penalty assessments was also used to fund a temporary Court Modernization Fund that lapsed in June 1998, five years after its original statutory lapse date. HB 652 takes that 3% and re-directs it into the Victims' Assistance Fund in response to a recent assessment which identified the need for providing victim services within our district courts and more adequately funding the expansion of the victim compensation program. This bill also creates a 5% surcharge on goods purchased at state prison commissaries to be used exclusively to fund victim/witness programs in the district courts (to include victims of juvenile crime) and makes victim restitution a priority. With the enactment of this legislation, New Hampshire will finally have fully funded victims' compensation program. Vote 13-0.

### Amendment (0277h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to victims' assistance, penalty assessments on criminal offenses, and establishing a surcharge on items sold at state prison commissaries which is continually appropriated to the victims' assistance fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Victims Assistance Fund. Amend RSA 6:12, I(aa) to read as follows:

(aa) The assessments collected under RSA 188-F:31 and 651:63, *V and the surcharges on state commissary purchases under RSA 622:7-b* designated for the victims' assistance fund which shall be credited to the victims' assistance fund until that fund exceeds \$750,000, at which time moneys in excess of \$750,000 shall be credited to the general fund.

2 Grants for Victim Assistance Programs. Amend RSA 21-M:8-i, I to read as follows:

I. Subject to the availability of money in the victims' assistance fund, the attorney general shall make grants totaling not more than ~~55~~ 25 percent of the victims' assistance fund, for the establishment and maintenance of victim assistance programs. ~~[The attorney general may, in awarding funds under this section, give preference to those counties not already served by a victim assistance program.]~~

3 Penalty Assessment and Amount of Penalty Assessment Designated for Victims' Assistance Fund Increased. Amend RSA 188-F:31, I to read as follows:

I. Every court shall levy a penalty assessment of \$2 or [17] **20** percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. Such penalty assessment shall be divided into the following components, to be designated as follows: 15 percent for the police standards and training council training fund and [2] **5** percent for the victims' assistance fund.

4 Reference to Court Modernization Fund Deleted. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to his summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of motor vehicles within 30 days of the date of the summons. The director of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer ~~[for deposit in]~~ **to be credited and continually appropriated to** the victims' assistance fund ~~[and the court modernization fund]~~ in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days of their receipt.

5 New Section; Victims' Fund. Amend RSA 622 by inserting after section 7-a the following new section:

622:7-b Victims' Fund. Every commissary in a state prison operated for the sale of commodities shall collect a surcharge of 5 percent of the sales price of every item sold. All funds collected pursuant to this section shall be deposited in and continually appropriated to the victims' assistance fund.

6 Restitution First Priority. Amend RSA 651:63, VI to read as follows:

VI. Restitution, administrative fines and fees, and other fees collected, except for supervision fees pursuant to RSA 504-A:13, shall be allocated ~~[on a pro-rata basis]~~ **by the commissioner of corrections or his or her designee** when payments are insufficient to cover the full amount due for each of these balances. ***Restitution to victims shall have priority over all other collections.***

7 Effective Date. This act shall take effect July 1, 1999.

#### AMENDED ANALYSIS

This bill increases the amount of the penalty assessment on a criminal offense from \$2 or 17 percent of the fine charged for the offense to \$2 or 20 percent of the fine charged for the offense. The bill increases the amount of the penalty assessment designated for the victims' assistance fund from 2 percent to 5 percent.

The bill establishes a surcharge on items sold at state prison commissaries. Surcharges collected are continually appropriated to the victims' assistance fund.

The bill grants victims first priority for payments of restitution over other collectors of payments from restitution, fines and fees collected by the commissioner of corrections.  
Referred to Finance.

**HB 246**, relative to personnel transfers at the department of safety. RE-REFER TO COMMITTEE Rep. Howard C. Dickinson for Executive Departments and Administration: The bill deals with the transfer of personnel within the department of safety. This was a request of the department and would repeal that portion of the present statute that involves the fire standards and training program. Due to a short notice, the members of the fire standards and training commission were not able to attend the initial hearing or a rescheduled hearing. The prime sponsor was also unable to attend because of a medical condition. The committee requests that the bill be re-referred so that all parties may participate in the process at a later date. Vote 15-0.

**HB 313-FN**, relative to the regulation of the practice of optometry. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carolyn A. Virtue for Executive Departments and Administration: This bill strengthens and clarifies procedures for licensure and re-licensure of optometrists. It also provides the Board of Optometry with the ability to assess an administrative fine for violations to statutes or rules promulgated by the board. The amendment clarifies issues on licensure renewals. Renewal applications are mailed out before May 1 of each year, and are due on or before June 30. Licenses of an optometrist will expire on July 1 if the licensee has not submitted the required re-application information and fee. A reinstatement request will be required for continued licensure. The bill also establishes valid differences in continuing education requirements for those optometrists who do not use pharmaceutical agents in their practice. Those who use these agents are required to complete 150 hours of continuing education every three years. This should insure well-trained professionals treating our New Hampshire citizens. Vote 16-0.

**Amendment (0594h)**

Amend the bill by replacing section 10 with the following:

10 License Renewal. RSA 327:13 is repealed and reenacted to read as follows:

327:13 Renewal of Licenses.

I. All licenses issued under this chapter shall automatically expire on July 1 of each year, unless an application for renewal of the license is received by the board on or before that date.

II. Before May 1 of each year, the board shall mail to every optometrist licensed in the state an application for renewal addressed to the post office address provided by the applicant pursuant to RSA 327:21, V.

III. Any licensee whose license has expired shall be barred from the practice of optometry in New Hampshire until such time as a reinstatement application is granted by the board.

Amend RSA 327:31, VIII as inserted by section 18 of the bill by replacing it with the following:

~~VIII. [How an applicant shall be examined for professional and technical proficiency when the applicant has been:~~

~~(a) Licensed in another state, but has not taken a written examination, or~~

~~(b) Holding nonactive status for a period of 3 years or more.~~

~~IX.] Additions or alterations to the defined pharmaceutical agents for diagnostic purposes as set forth in RSA [327:1, I.] 327:1, III; and~~

**HB 343**, changing the Columbus Day holiday to Explorers Day. **INEXPEDIENT TO LEGISLATE**  
Rep. Benjamin E. Moore for Executive Departments and Administration: The date, October 12, was added to the statute on legal holidays in 1913. At that time, 1913, the date October 12, historically, had always been associated with Christopher Columbus and the discovery of America. The recognition of a holiday October 12 while unnamed was intended to recognize Columbus and his achievement. The naming of Columbus Day and changing the day of the holiday to the second Monday in October 1971 did not change the original intent of the legislation. For this reason, the committee felt that change in name is unwarranted. Vote 18-0.

**HB 516**, exempting the New Hampshire retirement system from rulemaking for procedures concerning the retirement fund investment objectives and guidelines. **INEXPEDIENT TO LEGISLATE**  
Rep. Frank V. Sapareto for Executive Departments and Administration: This bill exempts the New Hampshire Retirement System Board of Trustees from the Administrative Procedures Act concerning the retirement fund objectives and guidelines. This bill was requested by the New Hampshire Retirement System, however, controversy arose as to the methods of accomplishing the fund's objectives. The committee felt that this could best be corrected by rule changes without any blanket exemptions. Vote 15-0.

**HB 620-FN**, relative to election of vested deferred retirement status for inactive members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Albert W. Hamel for Executive Departments and Administration: This bill changes the process for receiving a vested deferred retirement. A member vested with 10 or more years as a member of the New Hampshire Retirement System who ceases to make contributions to the retirement system will be automatically transferred to vested deferred status in the New Hampshire Retirement System. A member may take an annuity payment at age 60 for group I or age 45 for group II or may request withdrawal of their funds at any time. Vote 16-0.

**Amendment (0330h)**

Amend the bill by replacing all after the enacting clause with the following:

I Vested Deferred Retirement Benefits; Inactive Members. Amend RSA 100-A:10 to read as follows:

**100-A:10 Vested Deferred Retirement Benefit**

**I. Group I Members.**

(a) A group I member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be an employee or teacher ~~[may elect, in lieu of the refund of his accumulated contributions under RSA 100-A:11, on a form prescribed by the board of trustees for such purpose, to receive a vested deferred retirement allowance]~~ *shall be deemed in vested status and upon meeting the eligibility requirements of subparagraph (b) may collect a vested deferred retirement allowance. In lieu of a vested deferred retirement allowance, the member may make application on a form prescribed by the board of trustees and receive a return of the member's accumulated contributions under RSA 100-A:11.*

(b) At any time after attainment of age 50, a group I member who ~~[has made such election may apply for]~~ *meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees* and receive a vested deferred retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions on the date of retirement and a state annuity which, together with the member annuity, shall be equal to either the service retirement allowance payable under RSA 100-A:5, I(a) and I(b) or the reduced early service retirement allowance payable under RSA 100-A:5, I(c), based on the member's age when the vested deferred retirement allowance begins and on the member's average final compensation and creditable service at the time service is terminated.

**II. Group II Members.**

(a) A group II member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be a permanent policeman or permanent fireman ~~[may elect, in lieu of the refund of his accumulated contributions under RSA 100-A:11, on a form prescribed by the board of trustees for such purpose, to receive a vested deferred retirement allowance]~~ *shall be deemed in vested status and upon meeting the eligibility requirements of subparagraph (b) may collect a vested deferred retirement allowance. In lieu of a vested deferred retirement allowance, the member may make application on a form prescribed by the board of trustees and receive a return of the member's accumulated contributions under RSA 100-A:11.*

(b) Upon ~~[his]~~ *the member's* attainment of age 45, provided ~~[he]~~ *the member* would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, a group II member who ~~[has made such election shall commence to]~~ *meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees* and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of ~~[his]~~ *the member's* accumulated contributions on the date ~~[his]~~ *the member's* retirement allowance commences; and (2) A state annuity which, together with ~~[his]~~ *the member* annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time ~~[his]~~ *the member's* service is terminated.

2 Effective Date. This act shall take effect July 1, 1999.

**AMENDED ANALYSIS**

This bill provides that members of the retirement system who cease to be active members shall be deemed to be in vested deferred retirement status.

This bill is a request of the New Hampshire retirement system.

**HB 597-FN-A**, making an appropriation to install certain safety equipment in residential care facilities. INEXPEDIENT TO LEGISLATE

Rep. Daniel Burnham for Health, Human Services and Elderly Affairs: Sponsors for this bill, which would make an appropriation to install certain safety equipment in residential care facilities, have told the committee that this legislation is no longer necessary, as state, federal and the private sector have agreed to provide funding. Vote 17-0.



**HB 624-FN**, establishing a health care quality commission. **OUGHT TO PASS WITH AMENDMENT** Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill originally called for the state to gather data and publish report cards on physicians. Testimony showed there is a desire for quality reports on a number of phases of health care. Some data is already being gathered by various means. Therefore, it was felt that a study committee needs to be formed to determine what information would be helpful to the public, how, when and how often it should be gathered and in what form it should be disseminated. The sponsor agrees with this committee. Vote 14-0.

### Amendment (0662h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee relative to health care quality.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that as the state's system of health care delivery has become increasingly complex, there exists a need to provide consumers with information about the quality of health care being delivered.

2 Committee Established. There is established a committee to study and make recommendations regarding the collection, review and dissemination to consumers of information related to health care quality.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, one of whom shall be from the house health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Three members of the senate, one of whom shall be from the senate public institutions, health and human services committee, appointed by the president of the senate.

II. The committee shall solicit information from a licensed physician, a representative for the managed care industry, a representative from a New Hampshire acute care hospital, a representative of consumers, and a representative of employers providing employee health benefits.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study the feasibility of establishing a state information resource for consumers related to the quality of health care and shall make findings and recommendations. In performing its duties, the committee shall review the experience of other states and may seek information from any other relevant source. The committee shall determine:

I. What information is available from existing sources, including, but not limited to licensing and accreditation processes for health carriers, managed care companies, physicians, and hospitals.

II. The extent to which such available information is relevant to consumers' need for information on health care quality.

III. How frequently such information is updated.

IV. How such information may be made meaningful and available to consumers.

V. The cost to the state of providing such information, with attention given to the cost effectiveness of this information resource.

VI. The legal and practical need for the protection of certain confidential information from disclosure.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 30, 1999.

7 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to make recommendations regarding the collection, review, and dissemination to consumers of information related to health care quality.

**HB 570**, restricting a presiding judge's authority to interrupt jury deliberations. **OUGHT TO PASS**  
Rep. Tony F. Soltani for Judiciary: Under our constitutional system, the jury is the ultimate trier of fact. Its province should be respected and never invaded. It is not a common occurrence for a judge to interrupt jury deliberations, in order to speed matters. However, this bill will overtly and expressly discourage such interruptions. There is no prohibition, however, for a judge to instruct the jury with the consent of both litigants, or to answer questions forwarded by the jury. Vote 14-2.

**HB 667**, relative to the quorum required for sessions of the supreme court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Judiciary: RSA 490:7 as it presently reads enables a single justice of the supreme court to "hear and determine the case with all the power of the court". That provision should not be allowed to stand. The committee felt the statute brushes aside the traditional tribunal concept of appeal. The bill as now amended assures that at least 3 justices sit on, participate in, and decide a case. Vote 12-0.

#### **Amendment (0353h)**

Amend RSA 490:7 as inserted by section 1 of the bill by replacing it with the following:

490:7 Quorum. Sessions of the court [~~may~~] *shall be held by at least 3 and preferably 5 supreme court justices. A lesser number, or the clerk, if no justice attends, may adjourn the sessions from day to day until 3 justices attend. If one or more of the justices present is disqualified to sit in any case, one or more temporary justices may be assigned in accordance with RSA 490:3 [~~or the remaining justices or justice shall hear and determine the case with all the power of the court~~]; provided that at least 3 justices, either full-time or temporarily appointed, must sit, participate, and decide.*

#### **AMENDED ANALYSIS**

This bill requires that at least 3 supreme court justices sit, participate, and decide in each case before the supreme court. The bill states that it is preferable that 5 supreme court justices sit in each case.

**HB 69**, relative to overtime pay for hourly employees. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Jane P. Kelley for Labor, Industrial and Rehabilitative Services: This bill, as amended, makes a uniform definition of independent contractor consistent throughout labor law where inconsistencies existed in the past. It also enables the NH Labor Department to enforce Federal Fair Labor Standards regarding overtime pay. Vote 19-0.

#### **Amendment (0267h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees.

Amend the bill by replacing all after the enacting clause with the following:

I Procuring Employment. Conditions of Employment; Definition of Employee. RSA 275:4, II is repealed and reenacted to read as follows:

II. In this subdivision, "employee" means and includes every person who may be permitted, required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

*(b) The person has control and discretion over the means and manner of performance of the work in achieving the result of the work.*

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this criterion does not prohibit the employer from reaching agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person holds himself or herself out to be in business for himself or herself.

(e) The person is not required to work exclusively for the employer.

2 Payment of Wages; Definition of Employee. RSA 275:42, II is repealed and reenacted to read as follows:

II. "Employee" means and includes every person who may be permitted, required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

***(b) The person has control and discretion over the means and manner of performance of the work in achieving the result of the work.***

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this criterion does not prohibit the employer from reaching agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person holds himself or herself out to be in business for himself or herself.

(e) The person is not required to work exclusively for the employer.

3 Whistleblower Protection Act; Definition of Employee. RSA 275-E:1, I is repealed and reenacted to read as follows:

I. "Employee" means and includes every person who may be permitted, required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

***(b) The person has control and discretion over the means and manner of performance of the work in achieving the result of the work.***

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this criterion does not prohibit the employer from reaching agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person holds himself or herself out to be in business for himself or herself.

(e) The person is not required to work exclusively for the employer.

4 Minimum Wage Law; Definition of Employee. RSA 279:1, X is repealed and reenacted to read as follows:

X. "Employee" means and includes every person who may be permitted, required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

***(b) The person has control and discretion over the means and manner of performance of the work in achieving the result of the work.***

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this criterion does not prohibit the employer from reaching agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person holds himself or herself out to be in business for himself or herself.

(e) The person is not required to work exclusively for the employer.

5 New Subparagraphs; Minimum Wage Law; Exceptions to Overtime Rate. RSA 279:21, VIII(b) is repealed and reenacted to read as follows:

(b) Notwithstanding the annual sales test provisions under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. section 201, et seq.), any employee exempt from, or any employee of an employer exempt from the overtime provisions of the Fair Labor Standards Act.

(c) Salaried employees as defined by RSA 275:42, VI allowing for payment in accordance with RSA 275:43-b.

(d) Governmental and public sector employees who are entitled to accrue and use compensatory time off in accordance with RSA 275:43, V.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill changes the definition of employee related to certain labor laws. This bill also changes provisions in the minimum wage law relative to the exclusions to the time-and-one-half for overtime requirement.

### **HB 485-FN**, relative to the calculation of unemployment compensation benefits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: This bill makes changes in the procedures for calculation of unemployment compensation benefits as requested by the Unemployment Compensation Advisory Council. It curtails the practice of employers from hiring employees for four (4) weeks, then laying them off for a week before rehiring them, to avoid paying unemployment insurance. The adoption of these changes allows New Hampshire legislation to conform to the US Department of Labor legislation. The Committee recommends that this bill "Ought to Pass with Amendment". Vote 18-0.

### **Amendment (0134h)**

Amend the bill by replacing all after the enacting clause with the following:

I Most Recent Employer. Amend RSA 282-A:12 to read as follows:

282-A:12 Most Recent Employer. "Most recent employer" means the last employer with whom an individual's work record exceeded 4 consecutive weeks of employment *or exceeded 9 weeks of employment in the immediately preceding 13 week period* while such individual received no benefits under RSA 282-A.

2 State-Federal Extended Benefit Program; New Paragraph; Definitions. Amend RSA 282-A:30, I by inserting after paragraph (k) the following new subparagraph:

(l) "High unemployment period" means any period in which an extended benefit period is in effect if RSA 282-A:30; I(d)(3) is applied by substituting 8 percent for 6.5 percent.

3 State-Federal Extended Benefit Program. Amend RSA 282-A:30, V to read as follows:

V. The total extended benefit amount payable to any eligible individual with respect to ~~[his] the individual's~~ applicable benefit year, calculated on the benefit schedule applicable to ~~[him] the individual~~ at the close of said year, shall be ~~[50 percent of the total amount of regular benefits]~~ *13 times the individual's maximum weekly benefit amount* which ~~[were]~~ *was* payable to ~~[him] the individual~~ under this chapter during the applicable benefit year *or 20 times the individual's maximum weekly benefit amount if such occurs during a high unemployment period.*

4 State-Federal Extended Benefit Program. Amend RSA 282-A:30, IX to read as follows:

IX. In no event shall benefits payable under the laws of this state to any individual exceed with respect to any benefit year an amount equal to ~~[39]~~ *46* times ~~[his] the individual's~~ maximum weekly benefit amount.

5 Fact Finding; Employer Cooperation. Amend RSA 282-A:45, I(a) to read as follows:

(a) Send to the *last* employing unit or ~~[employer or both for whom the claimant last performed services]~~ *any employer who was or may be charged with benefits and any employing unit or employer whenever a claimant's reason for leaving their employ may be material to the claim* a notice of the filing of a claim advising ~~[that he may appear in person in a given office of the department at a specific time and date to furnish full and complete factual information with respect to the discontinuance of said services; and]~~ *the employer or employing unit of the material information provided by the claimant and advising the employer or employing unit whether the de-*

*partment will initiate contact with the employer or employing unit to obtain full and complete information or whether the employer or employing unit is required to contact the department to dispute the information provided by the claimant; and*

6 Fact Finding; Employer Cooperation. Amend RSA 282-A:45, I(c) to read as follows:

(c) Send to the same employing ~~[unit] units~~ or ~~[employer or both] employers~~ as in subparagraph (a) ~~[a] an information verification and waiver form as provided in RSA 282-A:50.~~

7 Fact Finding; Employer Cooperation. Amend RSA 282-A:45, II and III to read as follows:

II. The notice, request and waiver form provided for in paragraph I may be in one or more forms and shall be as provided for in the rules adopted by the commissioner, including such time limitations as ~~[he] the commissioner~~ deems appropriate.

III. Failure on the part of the employing ~~[unit] units~~ or ~~[employer or both] employers~~ to respond in at least one of the [3] methods provided in paragraph I shall, at the expiration of the period set for response, be deemed an irrevocable waiver of ~~[his] its~~ right to be heard before the determination is made. Benefits charged to ~~[his] its~~ account as a result of the determination shall remain so charged even though the claimant is, by reason of some later decision, held not to be entitled to such benefits.

8 Redetermination. Amend RSA 282-A:46 to read as follows:

282-A:46 Redetermination. A certifying officer may, within 30 days of any determination, for good cause reconsider ~~[his] the~~ determination or any part thereof, *provided there was no appeal taken from the determination*, and may, *notwithstanding the filing of an appeal*, within one year reconsider that part of the determination that established the claimant's annual earnings, maximum benefit amount, or maximum weekly benefit amount~~[, provided there was no appeal taken from the determination]~~. Such redetermination shall be made, and an appeal therefrom may be had, in the same manner as the original determination.

9 Repeat. RSA 282-A:45, I(b) relative to employer cooperation, is repealed.

10 Effective Date.

I. Sections 2, 3 and 4 of this act shall take effect April 1, 2001 at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

Referred to Finance.

**HB 462**, relative to public/private partnership projects in the department of transportation. INEXPEDIENT TO LEGISLATE

Rep. Marlene M. DeChane for Public Works and Highways: This bill has good intentions, however, 1) it has no legislative oversight, and 2) it would jeopardize future projects. The private, public partnership would allow projects not at the top of the 10-year plan to begin with private funds encumbering future state/federal money. However, a private partner reneging on its responsibility at worst would leave the state holding the bond. At best, the state would pay back the contractor using future funds, and the possibility of a toll road. In essence, robbing Peter to pay Paul. The Department of Transportation testified that there was no known use for this except maybe in regards to the railroads. They also stated that there has been no instance where this would have been used or needed. Vote 17-2.

**HB 541**, establishing a committee to study the upgrade of Routes 11 and 140. OUGHT TO PASS  
Rep. William E. Leber for Public Works and Highways: This bill establishes a committee to study the feasibility of upgrading Route 11 and Route 140 from Claremont to Rochester. The proposed study committee will have members representing the four counties, and will request input from the Commissioner of Transportation, the regional planning commissions and the local communities. There was no testimony in opposition to this bill. Vote 15-1.

**HB 573**, clarifying the status of class VI highways. OUGHT TO PASS

Rep. Gabriel J. Daneault for Public Works and Highways: The bill will clarify existing law in regards to gates and bars on Class VI highways, and those who testified, including the department of transportation, were in favor. The Municipal Association requested the bill. The law needed clarification due to a recent New Hampshire Supreme Court ruling (Stevens v. Town of Goshen). Vote 16-0.

**HB 591-FN**, permitting certain village districts to become eligible for state highway aid apportionment. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth C. Shultis for Public Works and Highways: This bill permits certain village districts to become eligible for state block grant highway aid. The committee feels that though there

are some considerations, road maintenance issues are best solved between the town and village in which the roads are located. Passage of this bill would set a precedent that could create problems with the state block aid program. This town and village district is not able to agree on acceptance of these local roads. This issue should be solved locally and not by the legislature. Vote 16-0.

**HB 593-FN-L**, relative to the classification of class VI roads which have been maintained by a town. OUGHT TO PASS WITH AMENDMENT

Rep. Robert A. Daigle for Public Works and Highways: Class VI highways are those town roads closed "subject to gates and bars," which means the towns do not maintain these roads except in emergency situations, i.e., fire protection. Towns are prohibited from maintaining these roads. This bill would require that roads in towns who regularly maintain and repair Class VI highways for 5 successive years or more than on a seasonal basis shall be deemed Class V highways. Class V highways are regularly maintained town roads. Vote 12-4.

**Amendment (0536h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Time Period Added. Amend RSA 229:5, VI to read as follows:

VI. Class V highways shall consist of all other traveled highways which the town has the duty to maintain regularly and shall be known as town roads. *Any public highway which at one time lapsed to Class VI status due to 5-years' nonmaintenance, as set forth in RSA 229:5, VII, but which subsequently has been regularly maintained and repaired by the town on more than a seasonal basis and in suitable condition for year-round travel thereon for at least 5 successive years without being declared an emergency lane pursuant to RSA 231:59-a, shall be deemed a Class V highway.*

2 Effective Date. This act shall take effect April 1, 2000.

**AMENDED ANALYSIS**

This bill includes certain class VI road maintained by a town for a 5-year period in the classification of class V roads.

**HB 672-FN-A-L**, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Leber for Public Works and Highways: This bill requires the Commissioner of Resources and Economic Development to complete a master plan of the seacoast parks. The plan shall include the State Park, Seashell complex, North Beach and establishment of a year-round facility at the beach. The amendment deletes section 2, which was the appropriation. The sponsors and the department indicate there may be other sources of funding, and the bill will encourage a cooperative effort with the town and business communities. Vote 16-0.

**Amendment (0757h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

**AMENDED ANALYSIS**

This bill requires the department of resources and economic development to complete a master plan of the seacoast parks and Hampton Beach area.

**HB 678**, relative to leasing of properties owned by the department of environmental services. INEXPEDIENT TO LEGISLATE

Rep. Candace White Bouchard for Public Works and Highways: The committee recognizes the good intentions of the sponsor to speed up the process for the Department of Environmental Services to lease property. However, the committee felt that the current process of checks and balances: approval of the Council on Resources and Development, reviewed and approved by the Long Range Capital Planning and Utilization Committee prior to submission to the Governor Council for approval, protects both the state and its citizens. Vote 17-0.

**HB 362**, relative to dam safety program violations. **OUGHT TO PASS WITH AMENDMENT**  
Rep. David M. Lawton for Resources, Recreation and Development: This bill, as introduced, would give administrative fine authority to the Commissioner of the Department of Environmental Services (DES) to impose penalties for rule violations as well as project permits or approval violations relative to dams, mills, and flowage. The Committee believes that the scope of fine authority was too broad and therefore the authority to fine for project permit or approval violations is removed by the amendment. Vote 12-0.

#### **Amendment (0408h)**

Amend the bill by replacing section I with the following:

I Water Management and Protection; Dams, Mills, and Flowage; Administration, Procedure, and Appeals; Penalties, Administrative Fine; Authority Added. Amend RSA 482:89, II to read as follows:

II. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose upon any person who violates any provision of this chapter, *or any rule adopted under this chapter* an administrative fine not to exceed \$2,000 for each offense in addition to other remedies and penalties provided under this chapter. Rehearings and appeals under this paragraph shall be in accordance with RSA 541. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter, *or rules adopted under this chapter*.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

#### **AMENDED ANALYSIS**

This bill extends the commissioner of environmental services' administrative fine authority relative to dams, mills, and flowage to include violations of rules.

**HB 439**, relative to exemptions from the safe drinking water act. **INEXPEDIENT TO LEGISLATE**  
Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: The sponsors of this bill acknowledged that it was filed in response to a constituent who operates a daycare and objected to the high cost of testing mandated by the Safe Drinking Water Act. The Committee was sympathetic to this individual; however, exempting these systems and allowing them to use bottled water is not allowed by the United States Environmental Protection Agency. If passed, it would jeopardize New Hampshire's status as a "primacy" state in the implementation of the Safe Drinking Water Act and its accompanying funding of \$7,950,000. The Committee and the Department of Environmental Services agreed to aggressively pursue negotiations with the New England Regional Environmental Protection Agency to achieve some flexibility with regards to testing schedules and costs. Vote 9-2.

**HB 580-FN-A-L**, creating a new tourism district and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. Timothy D. O'Connell for Resources, Recreation and Development: This bill would enable a bi-state effort between New Hampshire and Vermont to market the Connecticut River as a travel and visitor destination. The bill would appropriate \$25,000 from the general fund to be matched in kind by Vermont. At this time there are a number of local and regional organizations involved in this initiative, but none have assumed a dominant leadership role. The committee feels that some additional time is needed to allow co-ordination and implementation of management strategies to occur, with the various organizations involved. The Committee feels that by Re-Referring this bill it will give the time needed for all parties involved to develop the needed leadership. Vote 11-0.

**HB 527**, relative to the duties of the public utilities commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: HB 527 prohibits the consumer affairs director and the chief economist of the Public Utilities Commission (PUC) from accepting a job with a utility for two years after being employed by the PUC. The PUC requested this portion of the bill. As introduced, the bill contained a provision that allowed the PUC to impose administrative fines upon utilities unprepared for Y2K computer issues. The committee determined this section was not necessary as the PUC has ample statutory provisions that would allow for penalties to be imposed upon utilities that act imprudently with regard to this issue. The amendment also gives the PUC greater authority over utility parent company mergers and acquisitions. A statutory change in 1997 designed to streamline the approval process for mergers or acquisitions did not allow enough

flexibility for the PUC to determine if there might be adverse effects on rates, terms, service or operation of the public utility in New Hampshire. The amendment allows the PUC to determine any adverse effect of a proposed merger or acquisition and gives the parent company of a utility an opportunity to address the PUC concerns. Should the PUC continue to have a concern after an amended utility filing, the PUC may judge the merger or acquisition on the basis of other underlying statutes. The committee believes streamlining is maintained while giving the PUC authority it needs to determine adverse effects of proposed parent company mergers or acquisitions. The committee is aware that energy and telecommunication utilities nationwide are merging and consolidating and that this suggested change in statute is an appropriate response to that trend. Lastly, the amendment makes minor changes to the Dig Safe Law, which were agreed to by utilities, contractors, and the PUC. Vote 19-0.

### Amendment (0773h)

Amend the bill by replacing all after section I with the following:

2 Public Utilities Commission; Appointment, Qualification, etc.; Prohibition on Future Employment. Amend RSA 363:12-b to read as follows:

363:12-b Prohibition on Future Employment. No commissioner, executive director, finance director, general counsel, ~~[ombudsman]~~ **consumer affairs director, chief economist**, or chief engineer of the commission shall accept any employment with any utility under the control of the commission until 2 years after ~~[he]~~ **such person** shall become separated from the commission.

3 Public Utilities Commission; Support Personnel to Commission; Staff, Separation of Functions; Functional Lines Replaced. Amend RSA 363:27, II to read as follows:

II. The staff of the commission shall be ~~[divided along functional lines, as shall be determined from time to time by]~~ **organized as** the commission **determines best achieves its statutory responsibilities**.

4 Public Utilities; Issuance of Stock and Other Securities, General Provisions; Foreign Business; Discretion of Commission. RSA 369:8, II is repealed and reenacted to read as follows:

II.(a) To the extent that the approval of the commission is required by any other statute for any corporate restructuring, financing, change in long-term or short-term indebtedness, or issuance of stock involving parent companies of a public utility regulated by the commission, the approval of the commission shall not be required if the public utility files with the commission a detailed representation in writing no less than 60 days prior to the anticipated completion of the transaction that the transaction will not adversely affect rates, terms, service, or operation of the public utility within the state.

(b)(1) To the extent that the approval of the commission is required by any other statute for any corporate merger or acquisition involving parent companies of a public utility whose rates, terms, and conditions of service are regulated by the commission, the approval of the commission shall not be required if the public utility files with the commission a detailed written representation no less than 60 days prior to the anticipated completion of the transaction that the transaction will not have an adverse effect on rates, terms, service, or operation of the public utility within the state.

(2) If the commission does not issue an order within 60 days of the completed filing, the transaction shall be considered approved as filed.

(3) If the commission within 30 days, and after an opportunity for a public hearing, issues a preliminary written determination that such a merger or acquisition will have an adverse effect on rates, terms, service, or operation of the public utility in the state, the commission shall allow the utility at least 30 days to amend its filing in order to address the commission's preliminary determination.

(4) The commission may extend making its preliminary determination of adverse effect on rates, terms, service, or operation of the public utility in the state for 30 days.

(5) Should the commission find within 30 days after receiving the amended filing, the proposed merger or acquisition has an adverse effect, the commission shall review the transaction under the statute which would have otherwise applied but for this section, and, after an opportunity for a public hearing, issue a ruling based upon the other applicable statute or statutes within 60 days of its determination of adverse effect.

5 Public Utilities; General Regulations; Underground Utility Damage Prevention System; Definitions; Excavate, Excavating, or Excavation; Exception Added. Amend RSA 374:48, III to read as follows:



III. "Excavate", "excavating", or "excavation" means any operation conducted in a public way, right-of-way, easement, public street, or other public place, in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes but is not limited to drilling, grading, boring, milling, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence or sign post installation, pile driving, wrecking, razing, rending or moving any structure or mass material, but does not include the tilling of soil for agricultural purposes *or replacement of department-of-transportation-installed delineator posts in the same location.*

6 Public Utilities; General Regulations; Underground Utility Damage Prevention System; Notification by Excavator; Premarking. RSA 374:51, IV is repealed and reenacted to read as follows:

IV. Prior to complying with the notification requirements of paragraph II, an excavator must premark the area as provided in this paragraph, which means identifying the perimeter of the proposed site of the excavation by marking the perimeter in an appropriate manner in the color white paint, stakes, or other suitable white markings on non-paved surfaces. No such premarking shall be acceptable if the marks interfere with traffic or pedestrian control, or are misleading to the general public. Premarking shall not be required on any continuous excavation that is over 100 feet in length, or any pole replacement that is within 5 feet of an existing location. If an excavation is over 100 feet in length or a pole replacement is within 5 feet of an existing location, the excavator shall communicate the perimeter of the excavation by means of a description of the area or construction plans, or have an on-site meeting with affected operators or other suitable means acceptable to the parties.

7 Public Utilities; General Regulations; Underground Utility Damage Prevention System; Civil Penalty. RSA 374:55 is repealed and reenacted to read as follows:

374:55 Civil Penalty.

I. Proof that an excavation has been made without compliance with the notice requirement of RSA 374:51 and that damage to an underground facility has occurred shall be prima facie evidence in any court or administrative proceeding that the damage was caused by the negligence of the excavator.

II. Any excavator who does not give notice of or identify the proposed excavation area as required by RSA 374:51 or rules of the commission regarding tolerance zones and marking procedures shall be subject to the penalties in paragraph VIII, in addition to any liability for the actual damages.

III. Any operator which does not mark the location of its underground facilities as required by RSA 374:53 or rules of the commission regarding tolerance zones and marking procedures shall be subject to the penalties in paragraph VIII.

IV. If underground facilities are damaged because an operator does not mark its underground facilities as required by RSA 374:53, the operator shall be subject to the penalties in paragraph VIII, liable for damages sustained to its facilities and, in addition, shall be liable for any damages incurred by the excavator as a result of the operator's failure to mark such facilities.

V. If marked underground facilities are damaged, the excavator shall be subject to the penalties in paragraph VIII and liable for the cost of repairs for the damage.

VI. Any excavator who damages an underground facility and fails to notify the operator, or backfills the excavation without receiving permission, as required by RSA 374:54, shall be subject to the penalties in paragraph VIII.

VII. The commission or any commission employee, involved in the "Dig Safe" program and designated by the commission, may enforce violations of this subdivision. Any excavator or operator that violates this subdivision shall be subject to the penalties in paragraph VIII. In addition, the commission may assess the excavator for expenditures made to collect the civil penalty. Any excavator or operator which suffers damage resulting from violation of this subdivision may petition the commission to initiate an enforcement action.

VIII. Any excavator or operator that does not comply with RSA 374:51-54 shall be required either to complete a "Dig Safe" training program, or to pay a civil penalty of up to \$500. The civil penalty may be up to \$5,000 if the excavator or operator previously violated RSA 374:51-54 within the prior 12 months or if the violation results in bodily injury or property damages exceeding \$50,000, excluding utility costs.

8 Applicability. This act shall not apply to any transaction entered into prior to July 1, 1999.

9 Repeal. RSA 369:5, relative to certificate of issue of securities, is repealed.

10 Effective Date.

- I. Sections 5-7 of this act shall take effect January 1, 2000.
- II. The remainder of this act shall take effect July 1, 1999.

AMENDED ANALYSIS

This bill:

- I. Modifies requirements and penalties under the "Dig Safe" law.
- II. Clarifies the applicability of certain utility laws.

REGULAR CALENDAR – PART I

**HB 588-FN-L**, relative to county expenditures for children at the youth development center. INEXPEDIENT TO LEGISLATE

Rep. Karen K. Hutchinson for Children and Family Law: The committee believes that the funding method utilized for YDC will be reviewed and discussed in another bill coming before the committee reforming the juvenile justice system in New Hampshire. Vote 8-5.

Rep. Bickford moved Re-commit to Committee and spoke in favor.

Rep. Wallin spoke in favor.

Rep. Dowling spoke against.

Rep. Dowling requested a roll call; sufficiently seconded.

The question being the motion to Re-commit to Committee.

YEAS 162 NAYS 192

YEAS 162

BELKNAP

Bartlett, Gordon                      Rice, Thomas

CARROLL

Dickinson, Howard                      MacDonald, Kenneth                      Torressen, Gary

CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Roberts, William
Robertson, Timothy	Rose, William	Russell, Ronald	Zerba, Roger

COOS

Hawkinson, Marie                      Landers, Dana                      Rodrigue, Robert

GRAFTON

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Johnson, Gary	Mirski, Paul	Nordgren, Sharon
Picconi, Al	Solow, Martha	Ward, Brien	

HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Bergeron, Lucien	Burkush, James
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Curran, James	Daigle, Robert	Drabinowicz, A	Dwyer, Paul, Sr
Dyer, Merton	Fields, Dennis	Foster, Linda	Garrish, Linda
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Herman, Richard	Holley, Sylvia	Jean, Claudette
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Leonard, Peter	Lynde, Harold	McCarthy, William	McColgan, Philip, Jr
McDonough-Wallace, Alice	McRae, Karen	Melcher, Harold	Mendenhall, Leslie
Moriarty, Mary	Murphy, Robert	Pepino, Leo	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, Donald	White, John	Williams, Carol	

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
Gile, Mary  
Marple, Richard  
Reardon, Tara  
Virtue, Carolyn

Brewster, Richard  
Fortnam, Janet  
Langer, Ray  
Moore, Carol  
Rodd, Beth  
Wallin, Jean

Chase, George  
Fraser, Marilyn  
Lavoie, Gerard  
Owen, Derek  
Seldin, Gloria  
Wallner, Mary Jane

Crosby, Toni  
French, Barbara  
Lockwood, Priscilla  
Potter, Frances  
St Cyr, Gerard  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Kane, Cecelia  
O'Keefe, Patricia  
Rubin, George  
Shultis, Elizabeth  
Varrell, Thomas

Blanchard, MaryAnn  
Kelley, Jane  
Pitts, Jacqueline  
Sapareto, Frank  
Splaine, James  
Weyler, Kenneth

Downing, Michael  
Kobel, Rudolph  
Priestley, Anne  
Schanda, Frank  
Stickney, Nancy

Hutchinson, Rebecca  
Norelli, Terie  
Reardon, Neil  
Shelton, Richard  
Stone, Joseph

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Johnson, Nancy  
Lundborn, Raymond  
Smith, Marjorie  
Twardus, Joseph

Bickford, David  
DeChane, Marlene  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

Brennan, William  
Estabrook, Iris  
Knowles, William  
Pelletier, Marsha  
Spang, Judith  
Wall, Janet

Brown, George  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

**SULLIVAN**

Burling, Peter  
Phinizy, James

Cloutier, John  
Tuthill, John

Donovan, Thomas, Jr  
Wiggins, Celestine

Flint, Gordon, Sr

**NAYS 192****BELKNAP**

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Salatiello, Thomas

Czech, Stanley  
Millham, Alida  
Thomas, John

Holbrook, Robert  
Pilliod, James  
Turner, Robert

**CARROLL**

Babson, David, Jr  
Kenney, Joseph  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Smith, Edwin

Hunt, John

Riley, William

Royce, H Charles

**COOS**

Davis, Perley  
Merrill, Gerald

Glimes, Sara  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Weber, Phil

Alger, John  
Eaton, Stephanie  
MacNeil, Allen

Brothers, Richard  
Gilman, G Michael  
Marshall, Gene

Cobb, John  
Harmon, Hobart  
Phinney, William

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland

Andrews, Frederick  
Belvin, William

Arnold, Thomas, Jr  
Bergin, Peter

Batula, Peter  
Brundige, Robert

Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Durham, Susan  
Flora, Kathleen  
Goulet, Maurice  
L'Heureux, Robert  
Lessard, Rudy  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Peterson, Andrew  
Tate, Joan

Buckley, Raymond  
Clegg, Robert, Jr  
Desmarais, Vivian  
Emerton, Lawrence  
Ford, Nancy  
Herman, Keith  
LaRose, Richard  
Lozeau, DonnaLee  
McDonald, James, Sr  
Milligan, Robert  
Ouellette, Dean  
Reeves, Sandra  
Thulander, O Alan

Calawa, Leon, Jr  
Coughlin, Pamela  
Desrosiers, William  
Fenton, James  
Franks, Suzan  
Jean, Loren  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McGough, Tim  
Mosher, William  
Pappas, Marc  
Rowe, Robert  
Wall, Nancy

Carlson, Donald  
Dalianis, Griffin  
Dokmo, Cynthia  
Fletcher, Richard  
Ginsburg, Ruth  
Kurk, Neal  
Leishman, Peter  
Martel, Andre  
Mercer, Robert  
O'Connell, Timothy  
Perkins, Paul  
Sargent, Maxwell

### MERRIMACK

Anderson, Eric  
Hess, David  
Leber, William  
Poulin, Dave

Davis, Francis  
Hoadley, Elizabeth  
Marshall, Kenneth  
Whalley, Michael

Feuerstein, Martin  
Jacobson, Alf  
Maxfield, Roy  
Whittemore, James

Hager, Elizabeth  
Larrabee, David, Sr  
Nichols, Avis

### ROCKINGHAM

Arndt, Janet  
Case, Margaret  
Cox, Russell  
Dolan, Richard  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Langley, Jane  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Rabideau, Marie  
Stritch, C Donald  
Weare, Everett

Beaulieu, Jon  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Hutchinson, Karen  
Langone, John  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Raynowska, Bernard  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Clark, Vivian  
Dearborn, Bruce  
Dunham, Vivian  
Flanders, John, Sr  
Grant, Kenneth  
Johnson, Robert  
Letourneau, Robert  
Mikowski, Walter  
Nowe, Ronald  
Putnam, Ed, II  
Ruffner, Walter  
Vaughn, Charles  
Whittier, John

Bridle, Russell  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, George  
Lovejoy, Marian  
Moore, Benjamin  
Noyes, Richard  
Quandt, Marshall  
Sabella, Norma  
Verani, Giovanni  
Zolla, William

### STRAFFORD

Cossette, Larry  
McKinley, Robert  
Vincent, Francis

Dunlap, Patricia  
Musler, George  
Woods, Phyllis

Gilmore, Gary  
Spear, Barbara

Keans, Sandra  
Torr, Franklin

### SULLIVAN

Allison, David

Jones, Constance

Leone, Richard

McIntyre, Sara

and the motion failed.

Report adopted.

Rep. Lionel Johnson did not vote and wished to be recorded against.

**HB 711-FN-A**, establishing a special fund to subsidize child custody and support seminars. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Karen K. Hutchinson for the Majority of Children and Family Law: Child impact seminars are currently being held in several counties with couples seeking divorce who have children. The cost is \$75.00 per person paid by the recipients. A sliding scale fee is available for those who need it. The committee heard of no hardships occurring and therefore found no cause to raise marriage license fees to create a dedicated fund to subsidize these seminars. Vote 14-1.

Rep. David A. Bickford for the Minority of Children and Family Law: The intent of this bill is to help parents pay for child impact classes mandated by the state. The classes are designed to teach

parents not to involve their children in custody and child support issues. Any one seeking or required to use the court for this reason must pay \$75 for the class or be in violation of law. Presently \$38 is raised for domestic violence programs. This bill would raise marriage license fees to \$70.

Majority report adopted.

**HB 721-FN**, relative to procedures regarding delinquent children under RSA 169-B. **OUGHT TO PASS** Rep. David C. Allison for Children and Family Law: The bill deals with delinquent children and their families; in particular, with mutually-agreed-upon court orders that require families to attend mediation sessions, parenting programs that are ordered by the court. Failure on the part of a responsible family member to follow an agreed upon court order may be treated as criminal contempt punishable up to a \$1,000 fine and 90 days imprisonment. Vote 12-0.

Adopted and ordered to third reading.

**HB 87-FN**, relative to penalties for marijuana possession. **INEXPEDIENT TO LEGISLATE** Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill was introduced to decriminalize the possession of less than one (1) ounce of marijuana for which the penalty would become a violation. While the sub committee heard some rather strong reasons to support the medical use of marijuana, there was no hue and cry for this piece of legislation from the public. Material supplied to us by the Institute of Medicine states in their study that "marijuana is not a completely benign substance. It is a powerful drug with a variety of effects." Last fall the U.S. Congress on a 310-93 vote said that marijuana was a dangerous and addictive drug and should not be legalized, even for medicinal purposes. On an eleven to four vote, the committee agreed that marijuana was a powerful drug and should not at this time be decriminalized. Vote 11-4.

Rep. Robertson spoke against and yielded to questions.

Rep. Christie spoke in favor and yielded to questions.

Rep. Cossette requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 269 NAYS 92

### YEAS 269

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Millham, Alida	Pilliod, James	Rice, Thomas	Rosen, Ralph
Salatiello, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine

#### CARROLL

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith	Torresen, Gary		

#### CHESHIRE

Avery, Stephen	Blaisdell, Michael	Doucette, Richard	Hunt, John
Lerandeau, Alfred	Manning, Joseph	Pratt, Irene	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	Zerba, Roger

#### COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Toll, John, Jr	Woodward, David	

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Hall, David	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	MacNeil, Allen	Marshall, Gene	Nordgren, Sharon
Phinney, William	Picconi, Al	Ward, Brien	Weber, Phil

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Burkush, James	Calawa, Leon, Jr	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A	Durham, Susan	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Goley, Jeffrey
Goulet, Maurice	Herman, Keith	Herman, Richard	Holley, Sylvia
Jean, Claudette	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McColgan, Philip, Jr	McDonald, James, Sr	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	Murphy, Robert
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Perkins, Paul	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Wall, Nancy
White, Donald	Williams, Carol		

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Chase, George	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Larrabee, David, Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Poulin, Dave	Seldin, Gloria	St Cyr, Gerard	Whalley, Michael
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bridle, Russell	Case, Margaret	Christie, Andrew, Jr	Clark, Vivian
Cooney, Richard	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Grant, Kenneth
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Rubin, George
Ruffner, Walter	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Vaughn, Charles	Verani, Giovanni	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

**STRAFFORD**

Berube, Roger	Brown, George	Callaghan, Frank	Cossette, Larry
Dunlap, Patricia	Gilmore, Gary	Knowles, William	Lundborn, Raymond
McKinley, Robert	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Rollo, Michael	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Wall, Janet	Woods, Phyllis		

**SULLIVAN**

Burling, Peter  
Jones, Constance

Cloutier, John  
Leone, Richard

Donovan, Thomas, Jr

Flint, Gordon, Sr

**NAYS 92****BELKNAP**

None

**CARROLL**

Babson, David, Jr

Dickinson, Howard

**CHESHIRE**

Batchelder, Robert  
Lynott, Margaret  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

DePecol, Benjamin  
Meador, David  
Riley, William

Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy

**COOS**

Glimes, Sara

Hawkinson, Marie

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Copenhaver, Marion  
Solow, Martha

Guest, Robert

Johnson, Gary

Mirski, Paul

**HILLSBOROUGH**

Arnold, Thomas, Jr  
Dwyer, Paul, Sr  
Haettenschwiller, Alphonse  
Konys, Christine  
McCarthy, William  
Reidy, Frank

Arthur, Rose  
Garrish, Linda  
Haley, Robert  
Lasky, Bette  
McDonough-Wallace, Alice  
Vaillancourt, Steve

Clemons, Jane  
Ginsburg, Ruth  
Hall, Betty  
Leonard, Peter  
McRae, Karen  
White, John

Curran, James  
Gorman, Mary  
Keye, Harvey  
Lynde, Harold  
Mendenhall, Leslie

**MERRIMACK**

Bouchard, Candace  
French, Barbara  
Potter, Frances  
Wallin, Jean

Crosby, Toni  
Gile, Mary  
Reardon, Tara  
Wallner, Mary Jane

Fortnam, Janet  
Moore, Carol  
Rodd, Beth

Fraser, Marilyn  
Owen, Derek  
Virtue, Carolyn

**ROCKINGHAM**

Blanchard, MaryAnn  
Hutchinson, Karen  
Pitts, Jacqueline

Clark, Martha  
Kane, Cecelia  
Sabella, Norma

Corbin, C David  
Norelli, Terie  
Sapareto, Frank

Cox, Russell  
O'Keefe, Patricia

**STRAFFORD**

Bickford, David  
Heon, Richard  
Lent, Donald  
Twardus, Joseph

Brennan, William  
Johnson, Nancy  
Smith, Marjorie  
Vachon, Dennis

DeChane, Marlene  
Kaen, Naida  
Snyder, Clair  
Vincent, Francis

Estabrook, Iris  
Keans, Sandra  
Spang, Judith

**SULLIVAN**

Allison, David  
Wiggins, Celestine

McIntyre, Sara

Phinizy, James

Tuthill, John

and the report was adopted.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

**INDEFINITE POSTPONEMENT**

Rep. Boyce moved that **HB 87-FN**, relative to penalties for marijuana possession, be indefinitely postponed.

Rep. Cossette requested a roll call; sufficiently seconded.

**YEAS 219 NAYS 142****YEAS 219****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Holbrook, Robert
Lawton, David	Lawton, Robert	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald	Torressen, Gary		

**CHESHIRE**

Avery, Stephen	Blaisdell, Michael	Hunt, John	Roberts, William
Royce, H Charles	Smith, Edwin		

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	MacNeil, Allen	Nordgren, Sharon	Phinney, William
Picconi, Al	Ward, Brien	Weber, Phil	

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Burkush, James	Calawa, Leon, Jr	Carlson, Donald
Christiansen, Lars	Clegg, Robert, Jr	Cote, David	Coughlin, Pamela
Craig, James	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Dwyer, Paul, Sr	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Franks, Suzan	Goley, Jeffrey	Goulet, Maurice	Herman, Keith
Holley, Sylvia	Jean, Claudette	Jean, Loren	Keye, Harvey
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McColgan, Philip, Jr	McDonald, James, Sr	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Miligan, Robert
Moran, Edward	Mosher, William	Murphy, Robert	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sarette, John	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald			

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Kennedy, Richard



Langer, Ray  
Lockwood, Priscilla  
Whalley, Michael

Larrabee, David, Sr  
Marshall, Kenneth  
Whitemore, James

Lavoie, Gerard  
Nichols, Avis

Leber, William  
Poulin, Dave

## ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Clark, Vivian  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Kobel, Rudolph  
Lovejoy, Marian  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Stone, Joseph  
Verani, Giovanni  
Whittier, John

Arndt, Janet  
Bridle, Russell  
Cooney, Richard  
Dolan, Richard  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Langley, Jane  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie  
Schanda, Frank  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Beaulieu, Jon  
Case, Margaret  
Dalrymple, Janeen  
Downing, Michael  
Flanders, David  
Gleason, John  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard  
Shelton, Richard  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Christie, Andrew, Jr  
Dearborn, Bruce  
Dunham, Vivian  
Flanders, John, Sr  
Grant, Kenneth  
Katsakiores, Phyllis  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Putnam, Ed, II  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

## STRAFFORD

Berube, Roger  
McKinley, Robert  
Wall, Janet

Callaghan, Frank  
Musler, George  
Woods, Phyllis

Cossette, Larry  
Spear, Barbara

Dunlap, Patricia  
Torr, Franklin

## SULLIVAN

Burling, Peter

Flint, Gordon, Sr

Jones, Constance

Leone, Richard

## NAYS 142

## BELKNAP

Czech, Stanley

Johnson, James

## CARROLL

Babson, David, Jr

Sullivan, P Judith

## CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Rose, William

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Richardson, Barbara  
Russell, Ronald

DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Riley, William  
Zerba, Roger

Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

## COOS

Glines, Sara

Hawkinson, Marie

Landers, Dana

Rodrigue, Robert

## GRAFTON

Almy, Susan  
Guest, Robert  
Mirski, Paul

Cobb, John  
Hall, David  
Solow, Martha

Copenhaver, Marion  
Johnson, Gary

Densmore, Jessica  
Marshall, Gene

## HILLSBOROUGH

Ahern, Richard  
Bergeron, Lucien  
Daigle, Robert

Arnold, Thomas, Jr  
Clemons, Jane  
Desmarais, Vivian

Arthur, Rose  
Cote, Peter  
Dyer, Merton

Baroody, Benjamin  
Curran, James  
Garrish, Linda

Ginsburg, Ruth  
Hall, Betty  
Lasky, Bette  
McCarthy, William  
Moriarty, Mary  
Turgeon, Roland

Gorman, Mary  
Herman, Richard  
Leishman, Peter  
McDonough-Wallace, Alice  
Perkins, Paul  
Vaillancourt, Steve

Haettenschwiller, Alphonse  
Konys, Christine  
Leonard, Peter  
McRae, Karen  
Sargent, Maxwell  
White, John

Haley, Robert  
LaPorte, George  
Lynde, Harold  
Mendenhall, Leslie  
Simon, Anthony  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Fortnam, Janet  
Jacobson, Alf  
Owen, Derek  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
Fraser, Marilyn  
Marple, Richard  
Potter, Frances  
St Cyr, Gerard  
Yeaton, Charles

Crosby, Toni  
French, Barbara  
Maxfield, Roy  
Reardon, Tara  
Virtue, Carolyn

Daneault, Gabriel  
Gile, Mary  
Moore, Carol  
Rodd, Beth  
Wallin, Jean

### ROCKINGHAM

Clark, Martha  
Hutchinson, Karen  
Kelley, Jane  
Rubin, George  
Vaughn, Charles

Corbin, C David  
Hutchinson, Rebecca  
Norelli, Terie  
Sabella, Norma

Cox, Russell  
Johnson, Robert  
O'Keefe, Patricia  
Sapareto, Frank

Dowling, Patricia  
Kane, Cecelia  
Pitts, Jacqueline  
Shultis, Elizabeth

### STRAFFORD

Bickford, David  
Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Smith, Marjorie  
Twardus, Joseph

Brennan, William  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

Brown, George  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Spang, Judith  
Vincent, Francis

DeChane, Marlene  
Johnson, Nancy  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Phinizy, James

Cloutier, John  
Tuthill, John

Donovan, Thomas, Jr  
Wiggins, Celestine

McIntyre, Sara

and the bill was indefinitely postponed.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

### REGULAR CALENDAR – PART I (CONT'D.)

**HB 715-FN-A-L**, granting responsibility for court security and custody and control of prisoners while in a courthouse to the county sheriff and abolishing certain court security officer positions. **OUGHT TO PASS**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill is a response to the supreme court decision of November 4, 1998 wherein the court struck down certain provisions of Chapter 297 enacted June 26, 1998 which gave to the state's sheriffs control of prisoners while they are in a court facility, made the sheriffs responsible for court security in all the states courts except for the supreme court and the role of bailiffs/security officers in the state's district courts replacing the court security officers that currently are the employees of the judicial branch. The court handed down the opinion that the separation of powers act was violated by the elimination of its court security officers who answer directly to the judicial branch. The court claims that authority to control courtroom functions was somehow eroded by replacing district court security officers with sheriff's court security officers such as has been the practice in the state's superior courts for over 200 years. HB 715 addresses this issue by putting into the statute that the sheriff's bailiffs are to be subject to the specific directives of the presiding justice while performing court duties. The court's finding declaring parts of Chapter 297 unconstitutional did not address the funds that were earmarked for court prisoner custody issues that are now mandated by the state. Another bill will be introduced to transfer these funds from the court budget to the department of administrative services budget to reimburse the sheriffs for the prisoner custody duty. The committee believes

that security of the public is and has always been an executive branch function and that only executive branch personnel should have the power of arrest with proper training by the police standards and training academy. Vote 15-3.

Adopted and referred to Finance.

Reps. Christie and Perkins declared conflicts of interest and did not participate.

**HB 243**, requiring legislative fiscal committee approval of university system tuition increases. **INEXPEDIENT TO LEGISLATE**

Rep. Clair A. Snyder for Education: The main sources of operating funds are tuition and funds from the state. For the Legislative Fiscal Committee to decide on the tuition necessary to operate the programs at the university system is a prime example of micro-managing. Also, the state provides only 27% of the funds for the university system, so the only other major source left to them is tuition. The university has taken a major step towards seeking endowments and alumni donations. We recognize the need to be aware of the rising costs of the University System of New Hampshire, but it is unrealistic to set controls on both ends of the financial structure and expect the university system to continue. Vote 16-3.

Adopted.

**HB 454**, relative to tuition waivers for veterans at state institutions of higher learning. **OUGHT TO PASS WITH AMENDMENT**

Rep. Warren Henderson for Education: Advocates of the original bill wished to provide access to higher education without cost to military veterans who served in the U.S. armed forces during various periods of combat activity. While the committee was sympathetic to the goal of the sponsors, profound questions regarding costs and eligibility were raised during the hearing. These factual and fiscal questions must be answered before the bill is considered to become law. The amendment adopted by the committee directs the university system board of trustees to conduct the study needed to get the facts on how many veterans would be covered by this bill and the costs of their participation and what effect the pending revisions of veterans' benefits by the federal government would have on funds for higher education for veterans. Those findings, along with recommendations, would be reported back to the Governor and legislative leaders by January 1, 2000 for our consideration next session. Vote 16-3.

#### **Amendment (0367h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring the university system of New Hampshire board of trustees to initiate a study of the status of veterans' access to higher education within the university system.

Amend the bill by replacing all after the enacting clause with the following:

1 Status of Veterans' Benefits Within the University System of New Hampshire; Veterans' Eligibility for Free or Reduced Cost Tuition. The board of trustees of the university system of New Hampshire shall initiate a study of the eligibility of veterans to receive free or reduced cost tuition at institutions within the university system. This study shall include, but is not limited to:

I. The status of veterans' access to higher education within the university system and any financial or curricular impact such access may have.

II. The number of veterans enrolled in courses at institutions within the university system who pay no tuition or who receive reduced cost tuition; and

III. Recommendations for legislation, as necessary, to provide access for veterans to higher education without imposing unreasonable burdens on the university system.

2 Report. The board of trustees shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, and the governor, on or before January 1, 2000.

3 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill requires the university system of New Hampshire board of trustees to initiate a study of the status of veterans' access to higher education within the university system.

Adopted.

Report adopted and ordered to third reading.

**HB 614-FN-L**, requiring the department of health and human services to pay for certain costs of providing special education services. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. McKinley for Education: The intent of the bill is to separate special education costs such that the Health & Human Services Dept. be responsible for costs identified as health related, instead of continuing to burden the educational system. A new interagency agreement between HHS and DOE was signed in early March and addresses costs and needs of the education community alongside with the responsibility to address costs and responsibilities of HHS. The DOE and Health & Human Services are presently working toward resolving this problem within existing federal regulations Vote 16-2.

Adopted.

**HB 675-FN**, extending the applicability of postsecondary educational assistance for New Hampshire national guard members and requiring an annual reporting from state-supported postsecondary institutions. **OUGHT TO PASS**

Rep. Elizabeth K. Hoadley for Education: This bill extends the reporting date for educational benefits to New Hampshire National Guard members. State-supported post-secondary institutions are required to report annually on all enrollees. To be eligible to take classes on a space available basis, guard members must be enrolled in degree programs and exhaust all other scholarship aid before the schools' assistance shall begin. Vote 18-0.

Adopted and ordered to third reading.

**HB 701-FN-L**, granting the parents of school children an education voucher for a child to attend a school other than the assigned public school. **INEXPEDIENT TO LEGISLATE**

Rep. Russell Cox for Education: This bill would create a statewide voucher system encompassing all public and private schools valued at 10% of the per pupil cost. It is unconstitutional due to inclusion of sectarian schools, does not specify who qualifies for vouchers and does not provide adequate funding to accomplish its purpose. There is another bill addressing the school choice issues being reviewed by a subcommittee. Vote 15-4.

Rep. Bruno spoke against.

Rep. Cox spoke in favor.

Rep. Weber requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 283 NAYS 78**

**YEAS 283**

**BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Lawton, Robert	Millham, Alida	Pilliod, James	Salatiello, Thomas
Thomas, John	Turner, Robert		

**CARROLL**

Bradley, Jeb	Chandler, Gene	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Roberts, William	Robertson, Timothy	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger

**COOS**

Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Landers, Dana	Merrill, Gerald	Pratt, Leighton
Rodrigue, Robert	Tholl, John, Jr		

**GRAFTON**

Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Guest, Robert
Ham, Bonnie	Johnson, Gary	MacNeil, Allen	Marshall, Gene
Mirski, Paul	Nordgren, Sharon	Phinney, William	Picconi, Al
Solow, Martha	Ward, Brien		

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Baroody, Benjamin
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Buckley, Raymond	Burkush, James	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Curran, James	Daigle, Robert
Dawe, Eileen	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Fenton, James
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Foster, Linda
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Herman, Richard	Jean, Claudette	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William	McCarty, Winston
McColgan, Philip, Jr	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	Murphy, Robert	O'Connell, Timothy
O'Hearn, Jane	Perkins, Paul	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Vaillancourt, Steve	White, Donald	White, John
Williams, Carol			

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Leber, William	Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Nichols, Avis	Owen, Derek	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallner, Mary Jane	Whalley, Michael
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Bridle, Russell	Case, Margaret	Clark, Martha	Clark, Vivian
Cooney, Richard	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Henderson, Warren	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Lovejoy, Marian	Major, Norman	Morse, Charles
Norelli, Terie	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia
O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline	Putnam, Ed, II
Raynowska, Bernard	Reardon, Neil	Ruffner, Walter	Sabella, Norma
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Stone, Joseph
Stitch, C Donald	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles
Welch, David	Whittier, John	Zolla, William	

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Heon, Richard  
Knowles, William  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen  
Vachon, Dennis

Brennan, William  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Vincent, Francis

Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Pelletier, Marsha  
Spang, Judith  
Tsiros, William  
Wall, Janet

Cossette, Larry  
Gilmore, Gary  
Keans, Sandra  
McKinley, Robert  
Rollo, Michael  
Spear, Barbara  
Twardus, Joseph

**SULLIVAN**

Allison, David  
Flint, Gordon, Sr  
McIntyre, Sara

Burling, Peter  
Jones, Constance  
Tuthill, John

Cloutier, John  
Kibbey, David  
Wiggins, Celestine

Donovan, Thomas, Jr  
Leone, Richard

**NAYS 78****BELKNAP**

Boyce, Robert  
Rosen, Ralph

Johnson, James  
Wendelboe, Francine

Lawton, David

Rice, Thomas

**CARROLL**

Babson, David, Jr  
MacDonald, Kenneth

Dickinson, Howard  
Mock, Henry

Howard, Godfrey  
Torresen, Gary

Kenney, Joseph

**CHESHIRE**

Hunt, John

**COOS**

Woodward, David

**GRAFTON**

Alger, John  
Harmon, Hobart

Brothers, Richard  
Hinman, Harry

Gilman, G Michael  
Weber, Phil

Hall, David

**HILLSBOROUGH**

Alukonis, David  
Bruno, Pierre  
Desrosiers, William  
Holley, Sylvia  
Martel, Andre  
McRae, Karen  
Tate, Joan

Arthur, Rose  
Calawa, Leon, Jr  
Flora, Kathleen  
Jean, Loren  
Martin, Mary  
Ouellette, Dean  
Thulander, O Alan

Batula, Peter  
Dalianis, Griffin  
Franks, Suzan  
LaPorte, George  
McDonald, James, Sr  
Pappas, Marc  
Turgeon, Roland

Beaupre, Roland  
Daniels, Gary  
Herman, Keith  
Lefebvre, Roland  
McGough, Tim  
Pepino, Leo  
Wall, Nancy

**MERRIMACK**

Kennedy, Richard  
Marple, Richard

Langer, Ray

Larrabee, David, Sr

Lavoie, Gerard

**ROCKINGHAM**

Beaulieu, Jon  
Grant, Kenneth  
Mikowski, Walter  
Rabideau, Marie  
Verani, Giovanni

Corbin, C David  
Hamel, Albert  
Nowe, Mary Lou  
Rubin, George  
Weare, Everett

Dunham, Vivian  
Letourneau, Robert  
Priestley, Anne  
Sapareto, Frank  
Weyler, Kenneth

Flanders, David  
McKinney, Betsy  
Quandt, Marshall  
Stickney, Nancy

**STRAFFORD**

Bickford, David

Brown, George

Woods, Phyllis

## SULLIVAN

Phinizy, James

and the report was adopted.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

**HB 705-FN-L**, privatizing the functions of the community-technical college system. **INEXPEDIENT TO LEGISLATE**

Rep. Brien L. Ward for Education: The community technical college system is the most cost effective, post-secondary education provider in New Hampshire. The committee believes that the community technical college system delivers educational opportunities throughout the entire state, including areas of the state which are not densely populated and where private providers would not be able to provide cost effective programs. The system also provides a valuable economic development tool in delivering market-oriented programs in training and re-training workers. Vote 18-1.

Adopted.

**CACR 25**, relating to the election of governor, executive councilors, and senators. Providing that the governor, executive councilors, and senators shall be elected every 4 years. **INEXPEDIENT TO LEGISLATE**

Rep. Jane A. Clemons for Election Law: The sponsor requested this bill be Inexpedient to Legislate. The committee has passed a CACR increasing the governor's term to 4 years. The committee felt this step would be enough before the voters at this time Vote 14-0.

Adopted.

**HB 366**, allowing the secretary of state to accept faxed filings for a primary on the last day of the filing period. **OUGHT TO PASS WITH AMENDMENT**

Rep. Francis W. Davis for Election Law: The committee strongly recommended repealing the requirement that a candidate must file in person before the secretary of state on the last day of the primary filing period. Currently, this is the only day candidates required to file with the secretary of state must appear in person. The candidate is still responsible for correctly completing the application form and arranging for its timely delivery to the secretary of state. Vote 13-2.

### Amendment (0597h)

Amend the title of the bill by replacing it with the following:

**AN ACT** repealing the requirement that persons filing for a primary on the last day of the filing period do so in person.

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 655:16, relative to personal filing, is repealed.

### AMENDED ANALYSIS

This bill repeals the requirement that persons filing for a primary on the last day of the filing period do so in person before the secretary of state.

Adopted.

Report adopted and ordered to third reading.

**HB 222-L**, preempting local regulation of biosolids or sludge disposal by landfilling or landspreading. **INEXPEDIENT TO LEGISLATE**

Rep. Peter R. Leishman for Environment and Agriculture: There was overwhelming testimony to continue to allow local communities authority to regulate biosolids or sludge within their borders. The New Hampshire Municipal Association along with the Department of Environmental Services were both opposed to this legislation. The Committee agrees. Municipalities should have the ability to enact sludge ordinances and continue to share resources within the community and state to ensure attention to local concerns and impacts. Vote 14-1.

Adopted.

**HB 334**, restricting the land application of sludge, septage, and solid wastes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter R. Leishman for the Majority of Environment and Agriculture: This bill would restrict the land application of sludge, septage and solid wastes within a two hundred and fifty-foot set-

back from any surface waters of the state. Presently, a one hundred and twenty-five-foot setback is required unless the sludge is incorporated within forty-eight hours in which case the buffer distance is seventy-five feet. The Environmental Protection Agency requires a thirty-three foot setback from surface waters. Also, the legislature acted in 1998 to establish a two hundred and fifty-foot buffer for designated rivers and immediate incorporation of sludge for sites within these corridors. Factors such as the vegetation and management of activities within the buffer have a far greater protective influence than distance. Vote 12-4.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: Cleaning up our rivers and protecting our aquifers has been a major focus of our Resources and Environment and Agriculture committees for the last 30 years. By enacting legislation and providing tax dollars, we have created an infrastructure of sewage treatment plants. These municipal plants remove the toxins and pollutants from our sewer systems, concentrate them in the residual sludge, and discharge the clean effluent into our rivers. Disposal of the remaining toxic brew of sludge will require our attention for the next thirty years. Ocean dumping has been prohibited, incineration puts the toxins into the air and the ash, and landfill space is limited. Land spreading is the newest option. Since sludge contains heavy metals, toxic organics and dioxins, we are researching the long-term and short-term effects. Precautionary principles dictate that we do not land spread it closer than 250 feet from our rivers and surface waters. Resources and Environment and Agriculture committees fought for this number in our Rivers Management Programs, knowing the need to create buffer strips and setbacks. We should require this number by statute so that DES rules cannot retreat under industry pressure.

Rep. Hall spoke against and yielded to questions.

Rep. Leishman spoke in favor and yielded to questions.

On a division vote, 203 members having voted in the affirmative and 146 in the negative, the majority report was adopted.

**HB 370-L**, prohibiting wastewater treatment plants from excluding towns that regulate sludge disposal within their borders from using such facilities and requiring disclosure by sellers of sludge applications to land. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Babson, Jr. for Environment and Agriculture: The Committee felt that it was the prerogative of each town operating a wastewater treatment facility (WWTF) to decide who their customers will be. It was also a concern that towns that send septage to a WWTF and who do not allow the land application of biosolids are, in effect, raising the cost of disposal for remaining towns using the facility. There was also a concern that the operators of WWTF facilities might decide to not allow any outside town to off-load in their plant causing a major problem for those communities without dumping facilities. Vote 13-2.

Adopted.

**HB 472**, relative to establishing metal limits on land-applied sludge. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Peter R. Leishman for the Majority of Environment and Agriculture: This bill would require that metal concentrations of land applied sludge be at least as stringent as other New England states. Based on recent changes in legislation and regulations developed by the Department of Environmental Services, out-of-state sludge must meet the more stringent metals limits of either New Hampshire rules or the requirements of the state of origin. Based on these facts, the majority of this Committee felt that this legislation was unnecessary. Vote 10-5.

Rep. Derek Owen for the Minority of Environment and Agriculture: Currently the minority does not believe that New Hampshire metal and dioxin limits in land applied sludge are protective of human health, livestock, or the environment. Molybdenum levels are three times higher than what Massachusetts allows on dairy pastures. Dioxin levels are higher than what Wisconsin allows on dairy pastures.

Rep. Owen spoke against and yielded to questions.

Rep. Leishman spoke in favor and yielded to questions.

Rep. Whittier requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.



**YEAS 191 NAYS 176****YEAS 191****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Holbrook, Robert
Lawton, David	Millham, Alida	Rice, Thomas	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	

**CARROLL**

Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		

**CHESHIRE**

Hunt, John	Manning, Joseph	Roberts, William	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

**GRAFTON**

Alger, John	Cobb, John	Dudley, Terri	Ham, Bonnie
Harmon, Hobart	MacNeil, Allen	Marshall, Gene	Phinney, William
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr
Coughlin, Pamela	Craig, James	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Franks, Suzan
Goulet, Maurice	Herman, Keith	Holley, Sylvia	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston
McGough, Tim	McRae, Karen	Melcher, Harold	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Wall, Nancy

**MERRIMACK**

Daneault, Gabriel	Feuerstein, Martin	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Nichols, Avis	Poulin, Dave	Reardon, Tara
Soltani, Tony	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bridle, Russell
Case, Margaret	Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dolan, Richard
Dowling, Patricia	Flanagan, Natalie	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Hamel, Albert

Henderson, Warren  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Reardon, Neil  
Tufts, J Arthur  
Weyler, Kenneth

Hutchinson, Karen  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

Katsakiores, George  
Letourneau, Robert  
Mikowski, Walter  
Noyes, Richard  
Quandt, Marshall  
Stone, Joseph  
Weare, Everett

Katsakiores, Phyllis  
Lovejoy, Marian  
Morse, Charles  
O'Neil, Michael  
Raynowska, Bernard  
Stritch, C Donald  
Welch, David

### STRAFFORD

Berube, Roger  
Heon, Richard  
Spear, Barbara  
Vachon, Dennis

Bickford, David  
Kaen, Naida  
Taylor, Kathleen

Cossette, Larry  
McKinley, Robert  
Torr, Franklin

Dunlap, Patricia  
Musler, George  
Tsiros, William

### SULLIVAN

Flint, Gordon, Sr  
Young, David

Jones, Constance

Kibbey, David

Leone, Richard

### NAYS 176

### BELKNAP

Czech, Stanley  
Salatiello, Thomas

Johnson, James

Lawton, Robert

Pilliod, James

### CARROLL

Bradley, Jeb

Torressen, Gary

### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

Batchelder, Robert  
Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Blaisdell, Michael  
Lerandeau, Alfred  
Meador, David  
Richardson, Barbara

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Riley, William

### COOS

Glines, Sara

Hawkinson, Marie

Landers, Dana

Rodrigue, Robert

### GRAFTON

Akins, Ralph  
Densmore, Jessica  
Hall, David  
Nordgren, Sharon

Almy, Susan  
Eaton, Stephanie  
Hinman, Harry  
Picconi, Al

Brothers, Richard  
Gilman, G Michael  
Johnson, Gary  
Solow, Martha

Copenhaver, Marion  
Guest, Robert  
Mirski, Paul

### HILLSBOROUGH

Arthur, Rose  
Bergeron, Lucien  
Cote, David  
Drabinowicz, A  
Garrish, Linda  
Haettenschwiller, Alphonse  
Jean, Claudette  
Lasky, Bette  
Martel, Andre  
McDonald, James, Sr  
Moriarty, Mary  
Reidy, Frank  
White, John

Baroody, Benjamin  
Buckley, Raymond  
Cote, Peter  
Fenton, James  
Ginsburg, Ruth  
Haley, Robert  
Keye, Harvey  
Lefebvre, Roland  
Martin, Mary  
McDonough-Wallace, Alice  
Murphy, Robert  
Turgeon, Roland  
Williams, Carol

Batula, Peter  
Burkush, James  
Curran, James  
Ford, Nancy  
Goley, Jeffrey  
Hall, Betty  
Konys, Christine  
Leonard, Peter  
McCarthy, William  
Mendenhall, Leslie  
Perkins, Paul  
Vaillancourt, Steve

Beaupre, Roland  
Clemons, Jane  
Daigle, Robert  
Foster, Linda  
Gorman, Mary  
Herman, Richard  
LaPorte, George  
Lynde, Harold  
McColgan, Philip, Jr  
Messier, Irene  
Peterson, Andrew  
White, Donald

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Davis, Francis	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Jacobson, Alf	Kennedy, Richard
Moore, Carol	Owen, Derek	Potter, Frances	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Corbin, C David
DiFruscia, Anthony	Downing, Michael	Dunham, Vivian	Fesh, Robert
Grant, Kenneth	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Langley, Jane	Norelli, Terie	O'Keefe, Patricia
Pitts, Jacqueline	Putnam, Ed, II	Rabideau, Marie	Rubin, George
Ruffner, Walter	Sabella, Norma	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stickney, Nancy	Vaughn, Charles
Verani, Giovanni	Whittier, John		

**STRAFFORD**

Brennan, William	Brown, George	Callaghan, Frank	DeChane, Marlene
Estabrook, Iris	Gilmore, Gary	Johnson, Nancy	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Pelletier, Marsha	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Twardus, Joseph	Vincent, Francis	Wall, Janet
Woods, Phyllis			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
McIntyre, Sara	Phinizy, James	Tuthill, John	Wiggins, Celestine

and the majority report was adopted.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

**HB 504**, establishing a sludge advisory board and relative to sludge quality standards. **INEXPEDIENT TO LEGISLATE**

Rep. Peter R. Leishman for Environment and Agriculture: This legislation was proposed to facilitate negotiation between sludge users, the legislature and the Department of Environmental Service in the development and implementation of rules governing land application of sludge. The Committee believes that present legislative involvement with the Department of Environmental Services, the public, and sludge users is sufficient and a legislative advisory board may only duplicate this process that has worked well. Vote 15-0.

Adopted.

**HB 557-FN**, relative to hazardous waste permitting and container identification. **OUGHT TO PASS**

Rep. John S. Cobb for Environment and Agriculture: This act is relative to hazardous waste permitting and container identification. Specifically, there are wastes such as fluorescent tubes, certain types of thermostats, thermometers, switches and relays, batteries and antifreeze which are referred to as "universal wastes" due to their ubiquitous presence. These wastes, while voluminous, are of low risk and, as such, need not, if properly managed, be subject to the same rigorous standards that apply to "high risk" hazardous wastes. The intent of this legislation is to remove greater quantities of these wastes from our general waste stream, thereby lowering the level of hazardous constituents in it such as mercury. Vote 13-2.

Adopted and ordered to third reading.

**HB 679-FN**, requiring that certain solid waste permit applicants include an environmental impact statement as part of the permit application. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harold P. Melcher for the Majority of Environment and Agriculture: The committee felt that the bill risked a 28a problem and needed more consideration to solve the problems it addressed. Vote 12-3.

Rep. John G. Tuthill for the Minority of Environment and Agriculture: Substantial and rapid changes in the waste industry, including but not limited to consolidation of ownership in the private sector requires re-evaluation of waste management policy and regulation in the state. The intent of this legislation is to address an aspect of these changes and to promote adequate protection of public health. Majority report adopted.

**HB 459**, removing the requirement for continuing education for renewal of a professional engineer's license. INEXPEDIENT TO LEGISLATE

Rep. Alida I. Millham for Executive Departments and Administration: A requirement for continuing education for engineers was established two years ago by the board of engineers. This bill was submitted to eliminate the education requirement for re-licensure. The committee majority determined that eliminating continuing education was not in the interest of the public or the profession of engineering, as well as setting poor precedent for continuing education in other professions. Vote 16-1.

Adopted.

**HB 634-FN**, eliminating the requirement that retirement system disability recipients notify the board of trustees of unreduced social security disability benefits. OUGHT TO PASS

Rep. Ray F. Langer for Executive Departments and Administration: In 1988, there was action to enter words that a member or retired member of the retirement system who is a disability recipient must report to the retirement system if they received unreduced social security disability benefits that affected the monthly disability annuity payment from the system. This bill removes the requirement that the unreduced social security disability benefits must be reported because we have been advised by the trustees of the retirement board that the actuaries no longer use this item in their actuarial calculations of disability benefits. Vote 13-2.

Adopted.

Rep. Perkins declared a conflict of interest and did not participate.

**HB 635-FN-L**, establishing January 4, 2000 as a legal holiday in the state to be known as "Year 2000 Day." INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: This bill would declare Monday, January 3, 2000, a state holiday. The committee felt the financial impact on state, county and local government would be costly and create a hardship to the business and financial communities on the first business day in the new millennium. It was agreed that should a holiday be desirable, it would be more appropriate to institute this holiday at the national level. Vote 14-3.

Rep. Pitts spoke to the bill.

Rep. O'Neil spoke in favor.

Adopted.

**HB 299**, establishing a bill of rights for pregnant women. INEXPEDIENT TO LEGISLATE

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill was re-committed to the Health & Human Services and Elderly Affairs committee on March 19, 1999. The committee did again, have a considered discussion and arrived at the same decision. The sponsor's intent is very laudable, pregnant women should have available to them the information discussed in HB 299. However, the committee clearly felt that the issue can more appropriately be addressed through non-legislative measures. The Foundation for Healthy Communities, in light of the concerns in this legislation, is conducting a statewide collaborative initiative to use feedback to improve care for mothers and newborns. The NH Hospital Association is also participating in this effort. Vote 13-4.

Adopted.

### MOTION TO SPECIAL ORDER

Rep. Mock moved that **CACR 22**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed, be made a Special Order for the next session day after April 15, 1999 in the regular calendar order, and spoke in favor.

Adopted.

**REGULAR CALENDAR - PART I (CONT'D.)**

**HB 449-FN**, requiring boating safety education. **OUGHT TO PASS WITH AMENDMENT** Rep. William E. Roberts for Resources, Recreation and Development: This bill, as amended, will require a certificate of boating education to operate any watercraft in excess of 15 hp. Initially the requirement will only apply to boaters age 16 and younger, but each year the age will increase until 2010 when all boat operators will be required to hold a certificate. The bill was supported by a broad spectrum of interests including marine dealers, lakes associations and conservation groups. The 18-0 vote shows the serious concerns that the Resources Committee has over improving boating safety via education of operators of all types of motorized vessels. Vote 18-0.

**Amendment (0579h)**

Amend RSA 270-D:10 as inserted by section 1 of the bill by replacing it with the following:

270-D:10 Certificate Required. No person born on or after the dates provided in this section shall operate a motorized vessel with any type of power motor in excess of 15 horsepower on the public waters of this state without first obtaining a certificate of boating safety education in accordance with this subdivision:

Date of Birth	Certificate Required
January 1, 1984	January 1, 2000
January 1, 1983	January 1, 2001
January 1, 1982	January 1, 2002
January 1, 1981	January 1, 2003
January 1, 1980	January 1, 2004
January 1, 1979	January 1, 2005
January 1, 1978	January 1, 2006
January 1, 1977	January 1, 2007
January 1, 1976	January 1, 2008
January 1, 1975	January 1, 2009
All	January 1, 2010

Amend RSA 270-D:11, 1(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Possess the certificate when operating a motorized vessel with any type of power motor in excess of 15 horsepower on the public waters of the state.

Adopted.

Rep. Riley offered a floor amendment.

**Floor Amendment (0778h)**

Amend section 1 of the bill by inserting after RSA 270-D:17 the following:

**270-D:18 Boat Rentals.**

I. Any person who offers any boat for rent, hire, or lease shall:

(a) Not rent, hire, or lease a boat to any person under 18 years of age.

(b) Not rent, hire, or lease a boat to any person who does not possess a certificate of boating safety education pursuant to RSA 270-D:10.

(c) Supply to the operator or operators in print, prior to rental, hire, or lease:

(1) The operational characteristics of the type of vessel being rented.

(2) The boating rules pertaining to the area of rental including, but not limited to, no-entry zones, no-wake zones, channel routes and water hazards, and tidal flow.

(3) The common courtesies of operating a vessel on the water and the effect on wildlife, the environment, and other water users.

(4) The age restrictions on operation of boats.

(d) Provide personal flotation devices for each person who will be on board, as specified in rules adopted pursuant to RSA 270:11.

II. Any person who violates the provisions of this section shall be guilty of a violation for the first offense, and guilty of a misdemeanor and fined not less than \$300 for any subsequent offense.

III. Upon receipt of evidence of a third or subsequent offense, the director of the division of motor vehicles may, after opportunity for a hearing, suspend the vessel registration of all boats registered to the person offering the boats for rental, lease, or hire.

Rep. Riley spoke in favor and yielded to questions.

Rep. Royce spoke against and yielded to questions.

The floor amendment failed.

Rep. Whalley spoke in favor of the report and yielded to questions.

Rep. Royce requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 258 NAYS 100

### YEAS 258

#### BELKNAP

Bartlett, Gordon  
Johnson, James  
Salatiello, Thomas

Boriso, Thomas  
Lawton, David  
Thomas, John

Czech, Stanley  
Lawton, Robert  
Turner, Robert

Holbrook, Robert  
Millham, Alida

#### CARROLL

Bradley, Jeb  
Kenney, Joseph  
Torresen, Gary

Chandler, Gene  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

#### CHESHIRE

Avery, Stephen  
Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Rose, William

Batchelder, Robert  
Lerandeau, Alfred  
Meador, David  
Richardson, Barbara  
Royce, H Charles

Blaisdell, Michael  
Lynch, Margaret  
Mitchell, McKim  
Riley, William  
Smith, Edwin

Burnham, Daniel  
Manning, Joseph  
Pratt, Irene  
Roberts, William  
Zerba, Roger

#### COOS

Davis, Perley  
Horton, Lynn  
Rodrigue, Robert

Glimes, Sara  
Landers, Dana  
Tholl, John, Jr

Guay, Lawrence  
Merrill, Gerald  
Woodward, David

Hawkinson, Marie  
Pratt, Leighton

#### GRAFTON

Akins, Ralph  
Copenhaver, Marion  
Johnson, Gary  
Picconi, Al

Alger, John  
Densmore, Jessica  
MacNeil, Allen  
Solow, Martha

Almy, Susan  
Eaton, Stephanie  
Marshall, Gene

Cobb, John  
Ham, Bonnie  
Nordgren, Sharon

#### HILLSBOROUGH

Ahern, Richard  
Baroody, Benjamin  
Brundige, Robert  
Carlson, Donald  
Cote, Peter  
Desmarais, Vivian  
Fields, Dennis  
Foster, Linda  
Goulet, Maurice  
Herman, Keith  
Konys, Christine  
Lasky, Bette  
Lessard, Rudy  
Martin, Mary  
Melcher, Harold  
Moran, Edward  
O'Hearn, Jane  
Sargent, Maxwell  
White, John

Andrews, Frederick  
Belvin, William  
Buckley, Raymond  
Christiansen, Lars  
Curran, James  
Dokmo, Cynthia  
Fletcher, Richard  
Garrish, Linda  
Haettenschwiller, Alphonse  
Herman, Richard  
Kurk, Neal  
Lefebvre, Roland  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
Moriarty, Mary  
Pappas, Marc  
Simon, Anthony  
Williams, Carol

Arnold, Thomas, Jr  
Bergeron, Lucien  
Burkush, James  
Clegg, Robert, Jr  
Daigle, Robert  
Drabinowicz, A  
Flora, Kathleen  
Ginsburg, Ruth  
Haley, Robert  
Jean, Claudette  
L'Heureux, Robert  
Leishman, Peter  
Lynde, Harold  
McColgan, Philip, Jr  
Messier, Irene  
Mosher, William  
Reidy, Frank  
Thulander, O Alan

Arthur, Rose  
Bergin, Peter  
Calawa, Leon, Jr  
Cote, David  
Dalianis, Griffin  
Durham, Susan  
Ford, Nancy  
Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
LaRose, Richard  
Leonard, Peter  
MacGillivray, Jeffrey  
McDonald, James, Sr  
Milligan, Robert  
O'Connell, Timothy  
Rowe, Robert  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Fortnam, Janet  
Hess, David  
Leber, William  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Marshall, Kenneth  
Potter, Frances  
St Cyr, Gerard  
Whittemore, James

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Larrabee, David, Sr  
Moore, Carol  
Poulin, Dave  
Virtue, Carolyn  
Yeaton, Charles

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Lavoie, Gerard  
Nichols, Avis  
Rodd, Beth  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Blanchard, MaryAnn  
Cooney, Richard  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Lovejoy, Marian  
Nowe, Ronald  
Pitts, Jacqueline  
Ruffner, Walter  
Shelton, Richard  
Welch, David

Arndt, Janet  
Case, Margaret  
Cox, Russell  
Dowling, Patricia  
Flanders, David  
Hamel, Albert  
Kane, Cecelia  
Kobel, Rudolph  
McKinney, Betsy  
Noyes, Richard  
Priestley, Anne  
Sabella, Norma  
Shultis, Elizabeth  
Weyler, Kenneth

Beaulieu, Jon  
Clark, Martha  
Dalrymple, Janeen  
Downing, Michael  
Flanders, John, Sr  
Henderson, Warren  
Katsakiores, George  
Langone, John  
Norelli, Terie  
O'Keefe, Patricia  
Quandt, Marshall  
Sapareto, Frank  
Stickney, Nancy

Belanger, Ronald  
Clark, Vivian  
Dearborn, Bruce  
Dunham, Vivian  
Francoeur, Sheila  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie  
Schanda, Frank  
Tufts, J Arthur

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Keans, Sandra  
Musler, George  
Snyder, Clair  
Torr, Franklin

Bickford, David  
Estabrook, Iris  
Knowles, William  
Pelletier, Arthur  
Spang, Judith  
Vachon, Dennis

Brown, George  
Heon, Richard  
Lent, Donald  
Pelletier, Marsha  
Spear, Barbara  
Vincent, Francis

Callaghan, Frank  
Johnson, Nancy  
Lundborn, Raymond  
Smith, Marjorie  
Taylor, Kathleen  
Wall, Janet

**SULLIVAN**

Allison, David  
Jones, Constance  
Wiggins, Celestine

Burling, Peter  
Kibbey, David  
Young, David

Cloutier, John  
Leone, Richard

Flint, Gordon, Sr  
Tuthill, John

**NAYS 100****BELKNAP**

Boyce, Robert  
Wendelboe, Francine

Pilliod, James

Rice, Thomas

Rosen, Ralph

**CARROLL**

Babson, David, Jr

MacDonald, Kenneth

Sullivan, P Judith

**CHESHIRE**

DePecol, Benjamin  
Russell, Ronald

Hunt, John

Lynott, Margaret

Robertson, Timothy

**COOS**

None

**GRAFTON**

Brothers, Richard  
Hinman, Harry  
Weber, Phil

Dudley, Terri  
Mirski, Paul

Hall, David  
Phinney, William

Harmon, Hobart  
Ward, Brien

**HILLSBOROUGH**

Alukonis, David	Batula, Peter	Beaupre, Roland	Bruno, Pierre
Clemons, Jane	Coughlin, Pamela	Craig, James	Daniels, Gary
Dawe, Eileen	Desrosiers, William	Dwyer, Paul, Sr	Fenton, James
Franks, Suzan	Gorman, Mary	Holley, Sylvia	Jean, Loren
LaPorte, George	Martel, Andre	McCarthy, William	McDonough-Wallace, Alice
McGough, Tim	McRae, Karen	Mendenhall, Leslie	Murphy, Robert
Ouellette, Dean	Pepino, Leo	Perkins, Paul	Peterson, Andrew
Reeves, Sandra	Sarette, John	Tate, Joan	Turgeon, Roland
Vaillancourt, Steve	White, Donald		

**MERRIMACK**

Jacobson, Alf	Kennedy, Richard	Langer, Ray	Lockwood, Priscilla
Marple, Richard	Maxfield, Roy	Reardon, Tara	Soltani, Tony
Wallin, Jean			

**ROCKINGHAM**

Bridle, Russell	Dolan, Richard	Fesh, Robert	Gibbons, Paul
Grant, Kenneth	Hutchinson, Karen	Langley, Jane	Major, Norman
Mikowski, Walter	Morse, Charles	O'Neil, Michael	Putnam, Ed, II
Raynowska, Bernard	Reardon, Neil	Rubin, George	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Weare, Everett	Whittier, John	Zolla, William	

**STRAFFORD**

Brennan, William	Cossette, Larry	DeChane, Marlene	Gilmore, Gary
Kaen, Naida	McKinley, Robert	Rollo, Michael	Tsiros, William
Twardus, Joseph	Woods, Phyllis		

**SULLIVAN**

Donovan, Thomas, Jr	Phinizy, James
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and the report was adopted.

Referred to Executive Departments and Administration.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

**HB 546-FN-A**, providing partial funding to support research monitoring groundwater at reclamation sites that have had sludge applied. **OUGHT TO PASS WITH AMENDMENT**

Rep. Amy E. Robb-Theroux for Resources, Recreation and Development: The bill supports the UNH/McDowell Research Group with an appropriation of \$20,000 from available funds appropriated by the biosolids samples fund. The project specifically assesses the impact of nitrate movement through the soil by monitoring the percolate-water and groundwater at three different sites in New Hampshire which utilize biosolids and short paper fiber (paper mill residuals). The Committee could support this bill with the support of the Department of Environmental Services and felt it was important to the state to continue research on this issue of biosolids/sludge recycling. Vote 16-0.

**Amendment (0452h)**

Amend the bill by replacing section 1 with the following:

1 Findings. The general court finds it imperative to know the impacts to groundwater of the application of sludge or biosolids and short paper fiber to reclamation sites. Without reclamation, the state is faced with stripping irreplaceable topsoil or ignoring environmentally degraded areas, or both.

Amend the bill by replacing section 3 with the following:

3 State Support of Research; Source of Funds. The commissioner of the department of environmental services shall provide funds from the sampling and analysis of sludge or biosolids samples fund totaling \$20,000, for the fiscal year ending June 30, 1999, to the university of New Hampshire office of sponsored research for the purposes of section 2 of this act.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 6 and 7, respectively:



4 Transfer of Appropriation. The sum of \$20,000, from available funds appropriated for state aid grants by 1997, 350:1, PAU 03-04-02-01-04, for fiscal year 1999, shall be transferred to the sampling and analysis of sludge or biosolids samples fund established by RSA 485-A:4, XVI-c, provided all eligible municipalities have received such state aid grants.

5 Application of Receipts; Sampling and Analysis of Sludge or Biosolids Samples Fund; Reference Corrected. Amend RSA 6:12, I(ttt) to read as follows:

(ttt) Money received under RSA [~~485-A:4, XVI-b~~] **485-A:4, XVI-c**, which shall be deposited in the sampling and analysis of sludge or biosolids samples fund.

Amend the bill by replacing section 6 with the following:

6 Annual Reports. The university of New Hampshire office of sponsored research shall submit annual reports on the research for the years ending June 30, 2000 and 2001 to the speaker of the house, the president of the senate, the governor, the chair of the house committee on environment and agriculture, the chair of the house resources, recreation and development committee, and the commissioner of environmental services.

Adopted.

Report adopted and referred to Finance.

**HB 561-FN**, reducing lab analysis fees of chemical analyses of water. OUGHT TO PASS

Rep. Judith T. Spang for Resources, Recreation and Development: Due to upgrades in lab technology and changing demand for certain tests at the Department of Environmental Services (DES) lab, fees need to be adjusted. Most will be decreased. The Committee supports these changes to make water testing more affordable. Vote 16-0.

Adopted and referred to Finance.

**HB 685-FN-A**, relative to the New Hampshire land and community heritage commission, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. David M. Lawton for Resources, Recreation and Development: HB 685-FN-A recognizes the important efforts begun last session with the New Hampshire Land and Community Heritage Commission. It also makes an appropriation to allow the commission to continue its work in developing a public-private program to protect New Hampshire's most important natural, cultural and historic resources. Vote 17-0.

### Amendment (0651h)

Amend the bill by replacing paragraph IV as inserted by section 1 with the following:

IV. Therefore, the general court accepts with gratitude the interim findings of the New Hampshire land and community heritage commission, and directs the commission to complete its work on or before November 30, 1999, according to the duties set forth herein, so that the general court may have the necessary information and recommendations upon which to base its consideration of a new program or programs to protect and preserve New Hampshire's natural, cultural and historic resources for this and future generations.

Amend the bill by replacing section 3 with the following:

3 Appropriation; Department of Cultural Resources; New Hampshire Land and Community Heritage Commission. The sum of \$15,000 is hereby appropriated to the department of cultural resources for the fiscal year ending June 30, 2000, for the purpose of supplementing funds raised privately in anticipation of this appropriation for the purposes of continued staffing, operational support, and public outreach and communication for the New Hampshire land and community heritage commission during the 1999 legislative session. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and referred to Finance.

**HB 318**, relative to recovery of costs in rate proceedings and relative to the appointment of public utilities commissioners. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Jeb E. Bradley for the Majority of Science, Technology and Energy: This bill passed the Senate last year in a much broader form but was sent to Interim Study by the House. After much work and many compromises made the committee recommends passage. The bill allows a retail customer intervenor at a Public Utilities Commission (PUC) proceeding an opportunity to recover interven-

tion costs of up to \$10,000 if the intervenor substantially contributes to the Commission's decision. The retail customer intervenor must demonstrate financial hardship in order to recover this cost. The Commission is given total discretion whether to allow recovery of such intervention costs and they must be approved by Governor and Council. The intervention costs would be recovered by a utility in rates. Intervention at the PUC is a time consuming and expensive process, which generally means that utility customers are at a disadvantage. This legislation would tend to level that playing field. This bill also requires a public hearing before the Executive Council of any nominee for one of the three seats on the Public Utilities Commission. Vote 18-1.

Rep. Donald B. White for the Minority of Science, Technology and Energy: No person or organization should be prevented from appealing to the Public Utilities Commission. However, the Office of Consumer Advocate is the spokesman for consumers and the bill makes no provision for applicants to work with the Consumer Advocate to advance their case. If they cannot agree with the Office of Consumer Advocate's procedures or decision, then they should be allowed to act independently.

#### **Amendment (0511h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to recovery of costs in utility proceedings and relative to the appointment of public utilities commissioners.

Amend the bill by replacing section 2 with the following:

2 New Section; Complaints to and Proceedings Before the Public Utilities Commission; Reparations, Fees, and Costs; Proceeding Costs. Amend RSA 365 by inserting after section 38 the following new section:

365:38-a Proceeding Costs. The commission may allow recovery of costs associated with utility proceedings before the commission, provided that recovery of costs for utilities and other parties shall be just and reasonable and in the public interest. For purposes of this section, other parties shall be defined as retail customers that are subject to the rates of the utility and who demonstrate financial hardship; other parties shall not include New Hampshire municipalities. Recovery by other parties shall be deemed to be in the public interest when, in any commission proceeding, the other party substantially contributes to the adoption by the commission, in whole or in part, of a position advocated by the other party in that proceeding, or in a judicial review of that proceeding. An other party shall not recover more than \$10,000 from any utility for any single proceeding. The commission may allow recovery of less than \$10,000 depending upon the scope of the proceeding. The utility shall pay the other party an award of costs if such award is granted by the commission in accordance with the procedures and requirements of the commission and the award is subsequently approved by the governor and council. The utility shall not be liable for any award of costs except in accordance with the procedures and requirements of the commission. If the commission proceeding involves more than one utility, the liability of each utility for the award shall be determined by dividing the amount of the award among the utilities in a manner approved by the commission. If an award of costs is granted in a proceeding involving a change in a utility's rates, the entire amount of the award shall be recovered by the utility in that proceeding. If an award of costs is granted in a proceeding other than one involving a change in a utility's rates, the entire amount of the award shall be immediately recovered by the utility through measures approved on a timely basis by the commission.

Adopted.

Majority report adopted and ordered to third reading.

**HB 386**, establishing a committee to study allowing Internet service providers to restrict unsolicited electronic mail. RE-REFER TO COMMITTEE

Rep. Jacqueline A. Pitts for Science, Technology and Energy: This bill deals with some of the major issues concerning the Internet especially electronic mail. The committee realizes that the Federal Communications Committee and other entities are exploring the subject and we would like the opportunity to hear their concerns and possible solutions as well as being able to probe this matter more carefully. Therefore, the committee's recommendation is to re-refer. Vote 11-9.

Adopted.

**HB 388**, relative to telephone number conservation. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill recognizes that unless significant national and state policy changes are made, New Hampshire will shortly run out of available

telephone exchange numbers. This bill gives maximum authority to the Public Utilities Commission (PUC) to conserve the existing supply of phone numbers. The bill also outlines how the PUC should plan for implementing a new area code in the event it becomes necessary.

The number shortage has been caused by the growth in new lines, wireless numbers, and dedicated numbers for pagers, data, and Internet lines. The shortage has also been caused by antiquated Federal Communications Commission (FCC) policy, which requires that available phone numbers be assigned in blocks of 10,000 numbers even when the providers only use a handful of numbers of the assigned block. Every three-digit number, for instance 271 in the state system, has 10,000 possible last four numbers. We are running out of combinations for the first three digits (e.g. 271) in area code 603. Due to these factors the private entity (Lockheed Martin) that nationally administers area code exhaust and assignment has determined that the 603 area code is in jeopardy of being exhausted toward the end of the year 2000.

Right now there are actually less than 1.5 million phone numbers in use out of a possible pool of about 7.5 million possible numbers in area code 603. It seems illogical; to say the least, that with 6 million numbers potentially available, New Hampshire is running out of phone numbers. Much of the problem that New Hampshire faces is due to bureaucratic problems at the FCC, which up until now, has refused to allow the assignment of blocks of 1,000 numbers instead of blocks of 10,000 and other conservation methods. If the FCC continues to delay even making these common sense decisions, states will have no choice but to implement new area codes. The PUC has been a staunch advocate at the FCC for common sense solutions to this problem and has suggested that New Hampshire be a pilot program state for number conservation initiatives but has run into the wall in Washington. Our federal delegation is also well aware of this problem, but as of yet, there has been no movement by the FCC.

Competition in the telephone industry will suffer as will the ability of suppliers to offer new innovative services if there is not an adequate supply of phone numbers in New Hampshire. Currently there is a lottery in order to obtain new three-digit exchanges. The lottery of three per month is not enough to meet the demand of a growing telecommunications industry in New Hampshire. Economic growth in New Hampshire is linked to advanced telecommunication services being offered. Therefore, the bill also outlines standards which should guide the commission in determining how to implement a new area code if the FCC does not allow number conservation measures in time. The two ways of implementing new area codes are via a geographic split or use of an overlay of new numbers. A geographic split would divide New Hampshire into two geographic area codes. An overlay would have any new phone numbers go into a new area code regardless of location. There are advantages and disadvantages to either an overlay or geographic split. An overlay would require ten-digit dialing, which is not well received. A geographic split would force half the state to change the area code of their existing phone numbers, which is costly, confusing, and controversial. This bill does not specify which method the Commission should choose, but the bill does outline policy principles the Commission should adhere to if and when such a choice must be made. These principles include minimizing customer disruption and confusion, minimizing cost to both customers and the cost of implementation by phone companies, insuring competitive neutrality and public safety, and utilization of the best available technology and planning.

The bill does not require implementation of a new area code as the committee believes conservation of existing 603 phone numbers is the best policy. The committee has and will continue to advocate for number conservation policy in Washington. Vote 19-0.

#### **Amendment (0468h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to telephone number conservation and area code implementation.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court finds that:

I. The public utilities commission has set policies that have fostered a vibrant and competitive marketplace for telecommunications services and products. This marketplace is essential for the economic well being of the state as many New Hampshire businesses, residents, and visitors require advanced telecommunication services and products at competitive prices.

II. The recent determination by the North American Numbering Plan Administrator that New Hampshire's 603 area code is in jeopardy of new telephone number exhaustion is a serious threat

to the ability of incumbent and other telecommunication providers to provide needed products and services. Of particular concern presently is the fact that providers can only obtain new blocks of numbers through a very limited lottery.

III. It is in the public interest for the public utilities commission to aggressively conserve telephone numbers according to the principles set forth in RSA 374:59, as inserted by this act, in order to prolong the useful life of area code 603 and any subsequent area code. The public utilities commission is to be commended for proposing a voluntary agreement with providers to reserve unused telephone numbers in blocks of 1,000 for eventual distribution rather than the customary blocks of 10,000. The public utilities commission is encouraged to continue to press telecommunications providers as well as the Federal Communications Commission for technical and regulatory solutions to telephone number exhaustion including, but not limited to, mandatory thousands number block pooling and local number portability.

IV. Along with implementing aggressive conservation measures, it is also in the public interest for the public utilities commission to plan for implementation of a new area code subject to the principles set forth in this act in order that, in the event it becomes necessary to implement a new area code, suppliers may have access to needed numbers in adequate time to avoid disruptions to New Hampshire businesses and customers.

V. The general court recognizes that implementation of a new area code can be accomplished via means of a geographic split or through a statewide overlay of new numbers assigned in a new area code. The choice between a geographic split and an overlay is often controversial. The principles set forth in this act are intended to guide the public utilities commission's decision-making process. The public utilities commission is encouraged to open a docket and hold public hearings at several locations around the state to solicit input for this decision.

2 New Subdivision; Telephone Number Conservation and Area Code Implementation Policy Principles. Amend RSA 374 by inserting after section 58 the following new subdivision:  
Telephone Number Conservation and Area Code Implementation Policy Principles

374:59 Telephone Number Conservation and Area Code Implementation Policy Principles.

I. Definitions. In this section:

(a) "Commission" means the public utilities commission.

(b) "Geographic split" means the division of an area code into typically 2 areas each served by its own area code.

(c) "Overlay" means the addition of a new area code serving the same geographic area as the existing area code.

II. The commission should promote and adopt telephone number conservation measures to the maximum extent allowed by federal law for area code 603 and any subsequently assigned New Hampshire area codes.

III. The commission should adopt measures, to the maximum extent allowable by federal law and availability of technology, to provide that all customers of all suppliers have equitable access to all currently available unassigned telephone numbers and equitable access to numbers that have not been assigned to a customer which are available for porting to a second supplier. Blocks of telephone numbers that are currently assigned but may be retrievable if thousands number block pooling becomes available should be assigned on an equitable basis to all suppliers.

IV. The commission should adopt measures, to the maximum extent allowable by federal law and availability of technology, to provide for local number portability by all suppliers of local exchange service.

V. To the extent that any one competitor is responsible for managing a pool of numbers which is to be assigned to customers of that competitor and other competitors, the commission should adopt policies to require that the assignment and management of the numbers be kept segregated from the marketing portion of that competitor.

VI. When determining whether to implement a new area code via geographic split or overlay the commission should consider, but not be limited to, the following criteria when determining the public interest:

(a) Which method best minimizes customer disruption from having to change numbers;

(b) Which method is the least costly for business and residents;

(c) Which method best minimizes customer confusion;

(d) Which method is the least costly for providers to implement;

- (e) Which method most effectively conserves the total pool of telephone numbers once a new area code is created;
- (f) Which method minimizes geographic controversy;
- (g) Which method is most equitable to every resident and business in New Hampshire;
- (h) Which method minimizes repeating the disruption of area code changes in the future;
- (i) Which method best ensures public safety;
- (j) Which method is more competitively neutral; and
- (k) Which method utilizes best available technology and comprehensive telecommunications planning.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes policy principles to guide the public utilities commission in telephone number conservation and area code implementation.

Adopted.

Report adopted and ordered to third reading.

**HB 407**, relative to unsolicited telephone sales by competitive telephone and electricity providers. RE-REFER TO COMMITTEE

Rep. Roy D. Maxfield for Science, Technology and Energy: Federal regulations prohibit restrictions on most telephone solicitation. There are unresolved issues with this legislation as it relates to pending electric deregulation however. The sponsor and the majority of the committee support re-refer of this bill to allow further study of this application. Vote 14-6.

Adopted.

**HB 611**, relative to performance standards for telephone companies providing noncompetitive services. RE-REFER TO COMMITTEE

Rep. John H. Thomas for Science, Technology and Energy: Even though the Public Utilities Commission (PUC) has authority and the ability to enforce its authority through fines, the majority of the committee felt there are issues that exist between the PUC and providers as to how information is collected and collated. Vote 16-4.

Adopted.

**HB 566**, relative to the supervision of the driver education program. OUGHT TO PASS

Rep. George A. LaPorte for Transportation: This bill would make the department of safety the final decision maker concerning direct or indirect all life and safety issues. The quality standard shall rest with the DOS, aided and facilitated by the department of education. This legislation shall affect all secondary and private motor vehicle driving school courses. Vote 15-2.

Adopted and ordered to third reading.

**HB 639-FN**, relative to motor vehicle registration fees for antique motor vehicles and motorcycles. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill restricts reduced registration fees to antique motor vehicles and motorcycles for 1945 and earlier (\$6.00 cars and \$2.40 motorcycles), and caps the registration fee for vehicles 1946 and up at \$31.20 (\$2.60 per month) on vehicles over 3000 lbs. Vehicles under 3000 lbs. would be \$19.20 (\$1.60 per month). This bill does not change the eligibility of vehicles over 25 years old to be in the antique class, only the fees associated with the cost of the plates issued to them. Further, this bill in no way affects the status of an antique vehicle or the rights associated with this class of vehicles. The committee felt that other seasonal vehicles such as recreational vehicles, motorcycles, snow removal and construction equipment, etc., pay their share of the road use although seasonal. Additionally, these newer antiques are driven daily during the summer months; the DOS continues to receive complaints relative to this abuse, and this was not the intent of the original law which states these plates are for *"any vehicle over 25 yrs. old which is maintained for use in exhibitions, club activity, and parades."* Vote 17-0.

### Amendment (0383h)

Amend the bill by replacing all after the enacting clause with the following:

1 Antique Motorcycle Registration Fees. Amend RSA 261:141, III(f) to read as follows:

(f) For antique motorcycles *manufactured in 1945 or earlier* — \$2.40. *Antique motorcycles manufactured in 1946 or later shall be charged a registration fee of \$12.*

2 Antique Motor Vehicle Registration Fees. Amend RSA 261:141, III(r) to read as follows:

(r) For antique motor vehicles other than antique motorcycles *manufactured in 1945 or earlier* — \$6. *Antique motor vehicles other than antique motorcycles manufactured in 1946 or later shall be charged a maximum of \$31.20 (\$2.60 per month) for vehicles weighing over 3000 lbs, and a maximum of \$19.20 (\$1.60 per month) for vehicles weighing less than 3000 lbs.*

3 Effective Date. This act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill restricts reduced registration fees for antique motor vehicles and motorcycles to motor vehicles and motorcycles manufactured in 1945 or earlier.

Adopted.

Rep. Letourneau spoke in favor and yielded to questions.

Report adopted and referred to Finance.

### **HB 522**, relative to the public's access to sex offender registry information. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill greatly expands the crimes that would be required to be reported to the sex offender registry and also requires that the public be able to request information about any or all of those people listed in the entire state. Furthermore, information on who this information was given to must also be recorded. Passage of this bill is a huge policy change and the department of safety indicated there should be a fiscal note because of the tremendous burden the bill puts on their resources. In fact, they question whether they could comply without additional employees. The committee voted to re-refer to enable the committee to examine those questions thoroughly. Vote 12-0.

Rep. Brothers spoke against and yielded to questions.

Rep. Christie spoke in favor.

Rep. Brothers requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 302 NAYS 57

#### YEAS 302

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Lawton, David	Lawton, Robert	Millham, Alida	Pilliod, James
Rice, Thomas	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine			

#### CARROLL

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Rose, William	Royce, H Charles	Smith, Edwin
Zerba, Roger			

#### COOS

Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Landers, Dana	Merrill, Gerald	Rodrigue, Robert
Toll, John, Jr			

**GRAFTON**

Almy, Susan	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
Ham, Bonnie	Hinman, Harry	MacNeil, Allen	Marshall, Gene
Nordgren, Sharon	Phinney, William	Solow, Martha	Ward, Brien

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Arthur, Rose	Baroody, Benjamin	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Dawe, Eileen	Desrosiers, William	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fields, Dennis	Flora, Kathleen	Ford, Nancy
Foster, Linda	Franks, Suzan	Garrish, Linda	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Herman, Keith	Herman, Richard	Holley, Sylvia
Jean, Claudette	Jean, Loren	Keye, Harvey	Konys, Christine
Kurk, Neal	LaPorte, George	LaRose, Richard	Lasky, Bette
Lefebvre, Roland	Leonard, Peter	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martel, Andre	Martin, Mary	McCarthy, William
McCarty, Winston	McDonald, James, Sr	McDonough-Wallace, Alice	McGough, Tim
McRae, Karen	Melcher, Harold	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Perkins, Paul	Peterson, Andrew
Reeves, Sandra	Reidy, Frank	Rowe, Robert	Sarette, John
Sargent, Maxwell	Simon, Anthony	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	White, Donald	White, John
Williams, Carol			

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Moore, Carol	Nichols, Avis	Owen, Derek	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Blanchard, MaryAnn	Bridle, Russell
Case, Margaret	Christie, Andrew, Jr	Clark, Martha	Clark, Vivian
Cooney, Richard	Dalrymple, Janeen	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul	Henderson, Warren
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
Mikowski, Walter	Morse, Charles	Norelli, Terie	Nowe, Ronald
Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Pitts, Jacqueline	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall

Rabideau, Marie  
Sapareto, Frank  
Stone, Joseph  
Vaughn, Charles

Raynowska, Bernard  
Schanda, Frank  
Stritch, C Donald  
Verani, Giovanni

Reardon, Neil  
Shelton, Richard  
Tufts, J Arthur  
Weare, Everett

Sabella, Norma  
Shultis, Elizabeth  
Varrell, Thomas  
Welch, David

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Pelletier, Marsha  
Spang, Judith  
Tsiros, William  
Wall, Janet

Bickford, David  
Cossette, Larry  
Gilmore, Gary  
Keans, Sandra  
McKinley, Robert  
Rollo, Michael  
Spear, Barbara  
Twardus, Joseph

Brennan, William  
DeChane, Marlene  
Heon, Richard  
Knowles, William  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen  
Vachon, Dennis

Brown, George  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Vincent, Francis

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Phiniza, James

Burling, Peter  
Jones, Constance  
Tuthill, John

Cloutier, John  
Kibbey, David  
Wiggins, Celestine

Donovan, Thomas, Jr  
Leone, Richard

### NAYS 57

### BELKNAP

Boyce, Robert

Johnson, James

Rosen, Ralph

### CARROLL

Torressen, Gary

### CHESHIRE

Blaisdell, Michael

Roberts, William

### COOS

Pratt, Leighton

Woodward, David

### GRAFTON

Akins, Ralph  
Copenhaver, Marion  
Mirski, Paul

Alger, John  
Hall, David  
Picconi, Al

Brothers, Richard  
Harmon, Hobart  
Weber, Phil

Cobb, John  
Johnson, Gary

### HILLSBOROUGH

Batula, Peter  
Dokmo, Cynthia  
Leishman, Peter  
Wall, Nancy

Brundige, Robert  
Fletcher, Richard  
Lessard, Rudy

Bruno, Pierre  
Ginsburg, Ruth  
McColgan, Philip, Jr

Desmarais, Vivian  
L'Heureux, Robert  
Ouellette, Dean

### MERRIMACK

Brewster, Richard  
Soltani, Tony

Kennedy, Richard

Leber, William

Maxfield, Roy

### ROCKINGHAM

Abbott, Dennis  
DiFruscia, Anthony  
Hamel, Albert  
Rubin, George  
Whittier, John

Belanger, Ronald  
Dolan, Richard  
Kane, Cecelia  
Ruffner, Walter  
Zolla, William

Cox, Russell  
Gleason, John  
McKinney, Betsy  
Stickney, Nancy

Dearborn, Bruce  
Grant, Kenneth  
Nowe, Mary Lou  
Weyler, Kenneth



**STRAFFORD**

Woods, Phyllis

**SULLIVAN**

Young, David

and the report was adopted.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

**HB 63-FN-A**, relative to the Weekly Market Bulletin's budget and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Vivian R. Clark for Finance: Subscriptions to the Weekly Market Bulletin currently provide income to the General Court that exceeds the expenses of the Bulletin. The committee felt that if some future plan to alter or enlarge the Bulletin should require additional expenditure, it should be obtained through the normal budget process rather than through the creation of yet another dedicated fund. Vote 23-2.

**MOTION TO SPECIAL ORDER**

Rep. Wendelboe moved that **HB 63-FN-A**, relative to the Weekly Market Bulletin's budget and making an appropriation therefor, be made a Special Order for the end of the Calendar on April 15, 1999, spoke in favor and yielded to questions.

Rep. Kurk spoke in favor.

Rep. Wendelboe withdrew her motion.

The question now being the adoption of the report.

Adopted.

**REGULAR CALENDAR – PART I (CONT'D.)**

**HB 682-FN-A**, establishing a statewide program for the removal of graffiti from public property. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Cloutier for Public Works and Highways: This bill would establish a statewide program for the removal of graffiti from public property. While the committee appreciates the efforts of the sponsor to eliminate graffiti, it believes the problem is not as severe as in more urban states, and is usually and swiftly removed. Also, in some areas of the state, passage of the bill might result in the elimination of some popular landmarks, since what constitutes graffiti vs. art is in the eyes of the beholder. Finally, the Department of Transportation Director of Operations said passage might force his department in some cases to divert some money and employee hours away from more important tasks. Vote 16-0.

Rep. Belvin spoke against.

Rep. Cloutier spoke in favor.

Adopted.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Mock moved that the House reconsider its action whereby it adopted the Consent Calendar, Part II, and spoke in favor.

Reconsideration prevailed.

**COMMITTEE REPORTS****CONSENT CALENDAR – Part II**

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 605-FN**, affirming sovereign immunity as it relates to the state's computers and computer software and programs and granting the state board of claims jurisdiction over claims against the state arising out of computer-related problems, removed by Rep. Mock.

Consent Calendar adopted.

**HB 605-FN**, affirming sovereign immunity as it relates to the state's computers and computer software and programs and granting the state board of claims jurisdiction over claims against the state arising out of computer-related problems. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary: This bill immunizes the state in perpetuity for any and all computer problems whether they relate to the Y2K problem or not. The state departments have taken corrective action to prevent problems, the latest report stating that state government was in good shape to prevent any major problems relating to Y2K. Individuals and businesses will not be exempt from liability and the committee believed the state should not be either since the trend has been away from granting more state immunity. There are judicial procedures in place to allow for remedies when persons are harmed by the state in other areas. The committee believes the Y2K problem has been over exaggerated and where the Public Utilities Commission and the Attorney General's Office took "no position" on the bill, it reinforced the committee's resolve. Vote 13-1. Rep. Mock moved Re-commit to Committee and spoke in favor.

Adopted.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Bickford moved that the House reconsider its action whereby it voted **HB 737**, declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution, Inexpedient to Legislate.

Reps. Nancy Wall, and Dickinson spoke in favor.

Rep. Weber spoke in favor and yielded to questions.

Reps. Belvin and MacGillivray spoke against.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 120 NAYS 225**

**YEAS 120**

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Lawton, David	Lawton, Robert	Rice, Thomas
Rosen, Ralph	Wendelboe, Francine		

#### CARROLL

Babson, David, Jr	Bradley, Jeb	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	MacDonald, Kenneth	Mock, Henry	Sullivan, P Judith
Torressen, Gary			

#### CHESHIRE

Hunt, John	Roberts, William	Rose, William
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#### COOS

Merrill, Gerald	Pratt, Leighton	Woodward, David
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#### GRAFTON

Alger, John	Brothers, Richard	Dudley, Terri	Eaton, Stephanie
Hall, David	Ham, Bonnie	Harmon, Hobart	Hinman, Harry
Mirski, Paul	Phinney, William	Ward, Brien	Weber, Phil

#### HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Beaupre, Roland	Brundige, Robert	Christiansen, Lars	Clegg, Robert, Jr
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Fenton, James
Fletcher, Richard	Flora, Kathleen	Goulet, Maurice	Jean, Loren
L'Heureux, Robert	Lefebvre, Roland	Martel, Andre	Martin, Mary
McDonald, James, Sr	McDonough-Wallace, Alice	McGough, Tim	Mercer, Robert
Milligan, Robert	Moran, Edward	O'Connell, Timothy	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Tate, Joan
Wall, Nancy	White, Donald		

**MERRIMACK**

Langer, Ray  
Soltani, Tony

Lavoie, Gerard

Leber, William

Marple, Richard

**ROCKINGHAM**

Arndt, Janet  
Dunham, Vivian  
Flanders, John, Sr  
Katsakiores, George  
Letourneau, Robert  
Nowe, Mary Lou  
Putnam, Ed, II  
Reardon, Neil  
Stritch, C Donald  
Welch, David

Beaulieu, Jon  
Fesh, Robert  
Grant, Kenneth  
Katsakiores, Phyllis  
McKinney, Betsy  
Noyes, Richard  
Quandt, Marshall  
Rubin, George  
Varrell, Thomas  
Weyler, Kenneth

Clark, Vivian  
Flanagan, Natalie  
Hamel, Albert  
Kobel, Rudolph  
Mikowski, Walter  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Verani, Giovanni

Dolan, Richard  
Flanders, David  
Hutchinson, Karen  
Langley, Jane  
Morse, Charles  
Priestley, Anne  
Raynowska, Bernard  
Stickney, Nancy  
Weare, Everett

**STRAFFORD**

Bickford, David

McKinley, Robert

Woods, Phyllis

**SULLIVAN**

Jones, Constance

Tuthill, John

Young, David

**NAYS 225****BELKNAP**

Holbrook, Robert  
Thomas, John

Millham, Alida  
Turner, Robert

Pilliod, James

Salatiello, Thomas

**CARROLL**

Chandler, Gene

Patten, Betsey

Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Batchelder, Robert  
Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Royce, H Charles

Blaisdell, Michael  
Lynch, Margaret  
Meader, David  
Richardson, Barbara  
Smith, Edwin

Burnham, Daniel  
Lynott, Margaret  
Mitchell, McKim  
Riley, William  
Zerba, Roger

**COOS**

Davis, Perley  
Horton, Lynn

Glines, Sara  
Landers, Dana

Guay, Lawrence  
Rodrigue, Robert

Hawkinson, Marie  
Tholl, John, Jr

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Nordgren, Sharon

Almy, Susan  
Johnson, Gary  
Picconi, Al

Cobb, John  
MacNeil, Allen  
Solow, Martha

Copenhaver, Marion  
Marshall, Gene

**HILLSBOROUGH**

Ahern, Richard  
Bergin, Peter  
Calawa, Leon, Jr  
Cote, Peter  
Daigle, Robert  
Drabinowicz, A  
Emerton, Lawrence  
Franks, Suzan  
Gorman, Mary

Arthur, Rose  
Bruno, Pierre  
Carlson, Donald  
Coughlin, Pamela  
Dalianis, Griffin  
Durham, Susan  
Fields, Dennis  
Garrish, Linda  
Haettenschwiller, Alphonse

Belvin, William  
Buckley, Raymond  
Clemons, Jane  
Craig, James  
Dawe, Eileen  
Dwyer, Paul, Sr  
Ford, Nancy  
Ginsburg, Ruth  
Haley, Robert

Bergeron, Lucien  
Burkush, James  
Cote, David  
Curran, James  
Dokmo, Cynthia  
Dyer, Merton  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty

Herman, Richard  
Kurk, Neal  
Leonard, Peter  
MacGillivray, Jeffrey  
Melcher, Harold  
Mosher, William  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve

Jean, Claudette  
LaRose, Richard  
Lessard, Rudy  
McCarthy, William  
Mendenhall, Leslie  
Murphy, Robert  
Reidy, Frank  
Simon, Anthony  
White, John

Keye, Harvey  
Lasky, Bette  
Lozeau, Donnalee  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Rowe, Robert  
Thulander, O Alan  
Williams, Carol

Konys, Christine  
Leishman, Peter  
Lynde, Harold  
McColgan, Philip, Jr  
Moriarty, Mary  
Perkins, Paul  
Sarette, John  
Turgeon, Roland

### MERRIMACK

Anderson, Eric  
Crosby, Toni  
Fortnam, Janet  
Hess, David  
Lockwood, Priscilla  
Nichols, Avis  
Reardon, Tara  
Virtue, Carolyn  
Whittemore, James

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Marshall, Kenneth  
Owen, Derek  
Rodd, Beth  
Wallin, Jean  
Yeaton, Charles

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Jacobson, Alf  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Larrabee, David, Sr  
Moore, Carol  
Poulin, Dave  
St Cyr, Gerard  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Christie, Andrew, Jr  
Dearborn, Bruce  
Francoeur, Sheila  
Hutchinson, Rebecca  
Langone, John  
Nowe, Ronald  
Sabella, Norma  
Shultis, Elizabeth  
Zolla, William

Belanger, Ronald  
Clark, Martha  
DiFruscia, Anthony  
Gibbons, Paul  
Johnson, Robert  
Lovejoy, Marian  
O'Keefe, Patricia  
Sapareto, Frank  
Stone, Joseph

Blanchard, MaryAnn  
Cooney, Richard  
Dowling, Patricia  
Gleason, John  
Kane, Cecelia  
Major, Norman  
O'Neil, Michael  
Schanda, Frank  
Vaughn, Charles

Case, Margaret  
Cox, Russell  
Downing, Michael  
Henderson, Warren  
Kelley, Jane  
Norelli, Terie  
Pitts, Jacqueline  
Shelton, Richard  
Whittier, John

### STRAFFORD

Brennan, William  
DeChane, Marlene  
Johnson, Nancy  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen  
Vachon, Dennis

Brown, George  
Dunlap, Patricia  
Kaen, Naida  
Lundborn, Raymond  
Smith, Marjorie  
Torr, Franklin  
Wall, Janet

Callaghan, Frank  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Tsiros, William

Cossette, Larry  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Spang, Judith  
Twardus, Joseph

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Wiggins, Celestine

Burling, Peter  
Kibbey, David

Cloutier, John  
Leone, Richard

Donovan, Thomas, Jr  
Phinizy, James

and reconsideration failed.

Rep. Lionel Johnson did not vote and wished to be recorded in favor.

### WITHOUT OBJECTION

The Speaker ordered that Part II of the Regular Calendar be taken up on Thursday, April 15, 1999.

### RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read

a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 15, 1999 at 10:00 a.m.  
Adopted.

## LATE SESSION

### Third reading and final passage

**HB 435**, relative to disclosure by sellers of consumer goods and services.

**HB 442**, relative to charitable gift annuities.

**HB 563**, relative to names of limited liability partnerships and companies and cooperative associations.

**HB 687-FN**, establishing the criminal offense of identity fraud.

**HB 714-FN**, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison.

**HB 61**, relative to political contributions by members of the ballot law commission.

**HB 556-FN**, relative to transporting hazardous waste.

**HB 397**, establishing a 4-year term for the commissioner of the department of corrections, and clarifying the process of appointing personnel under the commissioner.

**HB 448**, relative to the board of dental examiners and the regulation of dentists and dental hygienists.

**HB 686-FN**, defining the state heritage collections committee's responsibilities and the process for acquiring or disposing of items and collections.

**HB 278**, relative to scheduling of district court sessions.

**HB 592**, creating a study committee regarding requirements for and usage of methyl t-butyl ether.

**HB 491**, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements.

**HB 554**, relative to driver education reciprocity.

**HB 651**, revising the speed limit law.

**HB 313-FN**, relative to the regulation of the practice of optometry.

**HB 620-FN**, relative to election of vested deferred retirement status for inactive members of the retirement system.

**HB 624**, establishing a committee relative to health care quality.

**HB 570**, restricting a presiding judge's authority to interrupt jury deliberations.

**HB 667**, relative to the quorum required for sessions of the supreme court.

**HB 69**, relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees.

**HB 541**, establishing a committee to study the upgrade of Routes 11 and 140.

**HB 573**, clarifying the status of class VI highways.

**HB 593-FN-L**, relative to the classification of class VI roads which have been maintained by a town.

**HB 672-FN-L**, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth.

**HB 362**, relative to dam safety program violations.

**HB 527**, relative to the duties of the public utilities commission.

**HB 721-FN**, relative to procedures regarding delinquent children under RSA 169-B.

**HB 454**, requiring the university system of New Hampshire board of trustees to initiate a study of the status of veterans' access to higher education within the university system.

**HB 675-FN**, extending the applicability of postsecondary educational assistance for New Hampshire national guard members and requiring an annual reporting from state-supported postsecondary institutions.

**HB 366**, repealing the requirement that persons filing for a primary on the last day of the filing period do so in person.

**HB 557-FN**, relative to hazardous waste permitting and container identification.

**HB 634-FN**, eliminating the requirement that retirement system disability recipients notify the board of trustees of unreduced social security disability benefits.

**HB 318**, relative to recovery costs in utility proceedings and relative to the appointment of public utilities commissioners.

**HB 388**, relative to telephone number conservation and area code implementation.

**HB 566**, relative to the supervision of the driver education program.

### **RECESS MOTION**

Reps. Chandler and Burling moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 4:55 p.m.

### **RECESS**

### **(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 14

Thursday, April 15, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Lynn Johnson, Pastor of the West Rumney Community Church.

God of all that is and will be, we bless You and thank You for not standing far off, but for standing with and among us. We thank You for all the ways You have allowed us to know Your voice and to sense Your presence. Help us to hear Your voice, even when it is whispered in the quiet lisp of the helpless and unconsidered. Help us to see Your presence even when it comes to us in the face of our adversary. Grant us the knowledge of Your touch of peace even in the bustling jostle of the crowd. Help us, Your children, to rejoice in our kinship with one another, to mediate our family disputes with creativity and to be a living presence of compassion to all people. Amen.

Rep. Richard Herman led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Patricia Cote, Courchesne, Eugene Gagnon, Paul Gagnon, Golden, Guest, Hansen, Hunter, Lyman, McRae, Searles and Soltani, the day, illness.

Reps. Bishop, Chabot, Peter Cote, Doucette, David Flanders, Hoadley, Kenneth MacDonald, MacNeil, McGuirk, Marsha Pelletier, Philbrick, Rabideau, Robb-Theroux, Rodd and Weatherspoon, the day, important business.

### INTRODUCTION OF GUESTS

Jeff Clark, son of Rep. Vivian Clark. Barbara Brewster, wife of Rep. Brewster. Tom Veinotte, guest of the Pembroke Delegation Christine Gemmel and Katlyn Dasey, guests of Rep. Bouchard. Helen Holbrook, wife of Rep. Holbrook. David Konys, husband of Rep. Konys. Karen Carbonneau, Muriel and Campbell Webster and Commissioner Van McLeod, guests of Rep. Avery.

### SPECIAL GUESTS

Rep. Avery introduced Pipe Major Gordon Webster, Piper Lezlie Patterson Webster and Highland dancers Maggie Meffen, Megan Marsh, Kate Minogue and Hanna Carbonneau who performed for the House in honor of New Hampshire Tartan Day.

Rep. Rosen moved that the remarks made by Rep. Avery be printed in the Journal.

Adopted.

### REMARKS

Rep. Avery: Thank you, Madam Speaker. Today, my fellow Representatives, as we have done for the past few years, we are celebrating New Hampshire Tartan Day. It is the day we recognize those achievements that Scots and Scottish Americans made on behalf of the State of New Hampshire and the United States. The day, as I have mentioned before, that marks the anniversary of the Declaration of Arbroath, the document that was signed on April 6 in the year 1320 (A.D.) declaring Scottish Independence, and a document many credit as being a model for our own Declaration of Independence. It is especially ironic that, in Scotland, they will hold their first elections for a Scottish Parliament in over 250 years less than one month from now.

As another Scottish American Representative remarked recently on the floor of this House, every day is a special day for Scots, but none, I judge, is quite as special as this important anniversary. Madam Speaker, the most important phrase of that historical document is especially important today. "It is in truth, not for glory nor riches nor honors that we are fighting, but for freedom. For that alone which no honest man gives up but with life itself." Today we take special note of the people of Kosovo and the men and women of the American and other NATO forces of all nationalities who are today fighting for these same principles. They have our prayers and best wishes.

Rep. Loren Jean addressed the House.

Rep. Lozeau moved that the remarks made by Rep. Loren Jean be printed in the Journal.

Adopted.

Rep. Loren Jean: Thank you, Madam Speaker. One of the more difficult things I have done in the House was to sit in that chair next to that black ribbon and that bouquet of flowers. When I first met Paul St. Hilaire, he was one of those people that you run into occasionally and when you walk away you say, "What a nice person." He was one of those. He was my seat mate in committee and he was my seat mate in the House. Rep. Flora and I were bookends to him and we had a chance to share in his wit and dry humor. Paul was an asset to his committee. He was an asset to this House. Paul had that parochialism that is common among all those north of the notches, in that the North Country was his home. He was an asset to his city and he was a loving husband and father to his family which is present with us today, his wife, Gail, his son John and his daughter Sheena. I would like to read a small tribute written by his brother.

*Born and raised and lived in New Hampshire, visited many other places, had opportunities to leave but only once did he consider it seriously; yet he stayed. Berlin was his home.*

*When one reflects on Paul St. Hilaire's life, if you knew him, in retrospect you wish you had thanked him often. Since his passing, many have remarked that he will be missed greatly. Everyone here knows of what Paul did in his public life and we are all proud and thankful for having known him and for what he has accomplished. His personality drew people to him; he was kind and loving. Many of his accomplishments were significant, but more important was the way he worked for his constituents – those who voted for him and those who didn't. He told one of his brothers that once elected, he worked for every Berliner, every citizen of the Coos County and the state. The brother also remembers him saying that as a politician he could never be satisfied until he had done everything he could for the people. He was always ready to listen attentively and to speak honestly to anyone.*

*As some have left Berlin for better pastures, Paul St. Hilaire wanted to work the land of his ancestors. He hoped that his enthusiasm and dedication would be the right mix to fertilize the city and state to make it a better place to live. He believed in New Hampshire and especially in Berlin. Paul St. Hilaire is the type of person Berlin and the state need more of.*

To his family, I would say that this House wholeheartedly concurs.

Pipe Major Webster piped "Flowers of the Forest" and "Amazing Grace" in memory of Rep. St. Hilaire.

## REGULAR CALENDAR – PART II

**HB 719-FN**, relative to procedures regarding children in need of services. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Children and Family Law: This bill sets forth some guidelines to help in the processing of CHINS (Children In Need of Services) petitions and the accessing of services. Definitions for the terms of diversion and intervention are established. The process of personal service has been simplified. This bill originated as the direct result of an 18-month study done by the court task force. The task force was made up of a combination of professional and lay people from all walks of life. It is the consensus of the committee that this is a positive step forward in dealing with our youth. The fiscal note carried no determinable dollar amounts. Vote 14-0.

### Amendment (0641h)

Amend the bill by replacing section 5 with the following:

5 Issuance of Summons and Notice. Amend RSA 169-D:6, I to read as follows:

I. After a legally sufficient petition has been filed, the court shall, *unless the case is referred to diversion or a consent order is entered and approved, schedule an initial appearance, and* issue a summons *including a copy of the petition*, to be served personally [or] *upon the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child on the specified date and time.* If personal service is not possible, *service shall occur* at the usual place of abode of the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child at a specified place and time which time shall not be less than 24 hours [not more than 7 days] after service. If the person so notified is not the parent or guardian of the child, then a parent or guardian shall be notified, provided they and their residence are known, or if there is neither parent nor guardian, or their residence is not known, then some relative, if there be one and his residence is known.

Adopted.

Report adopted and referred to Finance.



**CACR 12**, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years. **OUGHT TO PASS**

Rep. Michael S. Rollo for Election Law: The majority of the Committee supported the passage of this constitutional amendment. This amendment gives an opportunity for the people of our state to determine the term of office for governor.

Testimony was given at the public hearing that there are only two states left in the Union that elect their governors biennially, Vermont and New Hampshire. Many states changed their governors term to four years to ensure that the governor has the time to give full attention to important business and not to always be in campaign mode. The majority would ask that you give the people of our state the same opportunity to change their constitution, as have 48 other states, if they wish. Vote 12-4.

Reps. Pepino and Mirski spoke against and yielded to questions.

Rep. Burling spoke in favor and yielded to questions.

Rep. Kennedy spoke against.

Rep. Arndt spoke in favor.

The Speaker called for a roll call.

## YEAS 195 NAYS 155

### YEAS 195

#### BELKNAP

Boriso, Thomas	Czech, Stanley	Holbrook, Robert	Millham, Alida
Pilliod, James	Salatiello, Thomas	Thomas, John	

#### CARROLL

Chandler, Gene	Kenney, Joseph	Patten, Betsey	Sullivan, P Judith
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#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Lerandeau, Alfred
Lynch, Margaret	Manning, Joseph	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H Charles	Russell, Ronald	Smith, Edwin
Zerba, Roger			

#### COOS

Davis, Perley	Glines, Sara	Hawkinson, Marie	Horton, Lynn
Landers, Dana	Rodrigue, Robert		

#### GRAFTON

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Eaton, Stephanie
Ham, Bonnie	Johnson, Gary	Marshall, Gene	Nordgren, Sharon
Scanlan, David	Solow, Martha		

#### HILLSBOROUGH

Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Burkush, James
Clemons, Jane	Cote, David	Craig, James	Curran, James
Daigle, Robert	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A	Durham, Susan	Dwyer, Paul, Sr	Emerton, Lawrence
Fenton, James	Fields, Dennis	Foster, Linda	Franks, Suzan
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Herman, Richard
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
LaRose, Richard	Lasky, Bette	Leishman, Peter	Lessard, Rudy
Lozeau, Donnalee	Lynde, Harold	McCarty, Winston	McDonough-Wallace, Alice
McGough, Tim	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Moriarty, Mary	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy

O'Hearn, Jane  
Sarette, John  
White, John

Perkins, Paul  
Sargent, Maxwell  
Williams, Carol

Peterson, Andrew  
Simon, Anthony

Reidy, Frank  
Turgeon, Roland

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
French, Barbara  
Larrabee, David, Sr  
Seldin, Gloria  
Whalley, Michael

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Moore, Carol  
St Cyr, Gerard  
Yeaton, Charles

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Owen, Derek  
Virtue, Carolyn

Crosby, Toni  
Fortnam, Janet  
Jacobson, Alf  
Potter, Frances  
Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
DiFruscia, Anthony  
Gibbons, Paul  
Hutchinson, Rebecca  
Norelli, Terie  
Sabella, Norma  
Shultis, Elizabeth

Blanchard, MaryAnn  
Dowling, Patricia  
Gleason, John  
Kane, Cecelia  
Noyes, Richard  
Sapareto, Frank  
Stone, Joseph

Case, Margaret  
Downing, Michael  
Griffin, Mary  
Langone, John  
O'Neil, Michael  
Schanda, Frank  
Vaughn, Charles

Clark, Martha  
Francoeur, Sheila  
Henderson, Warren  
Moore, Benjamin  
Pitts, Jacqueline  
Shelton, Richard

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Johnson, Nancy  
Lundborn, Raymond  
Rollo, Michael  
Spear, Barbara  
Vincent, Francis

Brennan, William  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Musler, George  
Smith, Marjorie  
Torr, Franklin  
Wall, Janet

Brown, George  
Domingo, Baldwin  
Grassie, Anne  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Twardus, Joseph  
Woods, Phyllis

Brown, Julie  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

### SULLIVAN

Allison, David  
McIntyre, Sara  
Young, David

Burling, Peter  
Phinizy, James

Cloutier, John  
Tuthill, John

Flint, Gordon, Sr  
Wiggins, Celestine

### NAYS 155

### BELKNAP

Bartlett, Gordon  
Rosen, Ralph

Boyce, Robert  
Turner, Robert

Johnson, James  
Wendelboe, Francine

Rice, Thomas

### CARROLL

Babson, David, Jr  
Mock, Henry

Bradley, Jeb  
Torresen, Gary

Dickinson, Howard

Howard, Godfrey

### CHESHIRE

Blaisdell, Michael  
Rose, William

Hunt, John

Lynott, Margaret

Roberts, William

### COOS

Guay, Lawrence

Merrill, Gerald

Toll, John, Jr

Woodward, David

### GRAFTON

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Picconi, Al

Alger, John  
Gilman, G Michael  
LaMott, Paul  
Ward, Brien

Brothers, Richard  
Hall, David  
Mirski, Paul  
Weber, Phil

Cobb, John  
Harmon, Hobart  
Phinney, William

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr	Coughlin, Pamela
Dalianis, Griffin	Daniels, Gary	Dawe, Eileen	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Goulet, Maurice	Herman, Keith
Holley, Sylvia	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaPorte, George	Leonard, Peter	MacGillivray, Jeffrey	Martel, Andre
Martin, Mary	McCarthy, William	McColgan, Philip, Jr	Mercer, Robert
Milligan, Robert	Mosher, William	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Rowe, Robert	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	Wall, Nancy	White, Donald
Withee, Dennis			

**MERRIMACK**

Bouchard, Candace	Fraser, Marilyn	Hess, David	Kennedy, Richard
Langer, Ray	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Poulin, Dave	Wallin, Jean	Whittemore, James	

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Bridle, Russell
Clark, Vivian	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dolan, Richard	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr	Grant, Kenneth	Hamel, Albert
Hutchinson, Karen	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Lovejoy, Marian	Major, Norman	McKinney, Betsy	Mikowski, Walter
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Packard, Sherman
Pantelakos, Laura	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Raynowska, Bernard	Reardon, Neil	Rubin, George	Ruffner, Walter
Splaine, James	Stickney, Nancy	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Bickford, David	Cossette, Larry	Kaen, Naida	McKinley, Robert
Taylor, Kathleen			

**SULLIVAN**

Donovan, Thomas, Jr	Jones, Constance	Leone, Richard
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and the report failed, lacking the constitutionally required three-fifths.

**LAID ON THE TABLE**

Rep. Burling moved that **CACR 12**, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years, be laid on the table. On a division vote, 187 members having voted in the affirmative and 164 in the negative, CACR 12 was laid on the table.

**REGULAR CALENDAR – PART II (CONT'D.)**

**CACR 14**, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10. **INEXPEDIENT TO LEGISLATE**

Rep. William J. Desrosiers for Election Law: The proponents of this CACR feel that doubling the size of the Executive Council will benefit areas of this state that they feel are underrepresented by

the council. The majority of the Committee feels that constituents have access to their councilor through traditional means as well as advanced technology i.e. e-mail. Consequently, we feel the current structure serves the state well and there is no need for a change. Vote 9-7.

Rep. George Brown spoke against.

Rep. Avery spoke against and yielded to questions.

Reps. Desrosiers and Arndt spoke in favor and yielded to questions.

Adopted.

**HB 374**, relative to the order of names on presidential primary election ballots. **OUGHT TO PASS** Rep. Lynn C. Horton for Election Law: This bill provides that on the morning of the first day of the filing period for the presidential primary election, the secretary of state shall hold a public drawing to randomly pick one letter of the alphabet for that election year. The secretary shall then list the candidates according to alphabetical order beginning with the letter picked. Vote 14-2. Adopted and ordered to third reading.

**HB 230**, clarifying the waste reduction goals for the state of New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Betty B. Hall for the Majority of Environment and Agriculture: This bill is the product of two years of study by the committee. It updates current statutory goals, sets data collecting requirements, and reporting to the legislature on progress on solid waste goals. Vote 8-6.

Rep. Harold P. Melcher for the Minority of Environment and Agriculture: This bill, although its purpose is worthy, is merely "feel good" legislation. It is impossible to calculate the percentage of waste recycled. It is possible to design it to be practical. Re-refer is a more sensible motion. Majority report adopted and ordered to third reading.

### MOTION TO SPECIAL ORDER

Rep. Leishman moved that **HB 239-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund, be made a Special Order for the next session day in the regular calendar order.

Adopted.

### REGULAR CALENDAR – PART II (CONT'D.)

**HB 294-FN-L**, relative to state aid to municipalities for closure of certain municipal incinerators. **OUGHT TO PASS**

Rep. Betty B. Hall for Environment and Agriculture: This bill is the product of two years on closing of small municipal incinerators. The majority recommends including these incinerators in the landfill closure program which grants twenty percent of the closure cost to the municipalities which chose to close their landfill or, in this case, incinerator. The Municipal Association supports this bill. Vote 11-3.

Adopted and referred to Finance.

**HB 395-FN-A**, establishing a pilot program of matching grants and optional local tax exemptions to preserve historic agricultural structures in New Hampshire and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter R. Leishman for Environment and Agriculture: This bill establishes a two-year pilot program of matching grants to preserve historic barns and other agricultural structures along with an advisory committee to work with the division of historical resources to select eligible applicants. A sum of \$100,000 would be made available through this grant assistance program for agricultural buildings and structures listed in the National Register of Historic Places or eligible for such listing. Vote 15-0.

### Amendment (0713h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a pilot program of matching grants to preserve historic agricultural structures in New Hampshire and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

I Purpose. Historic barns and agricultural structures symbolize the distinctive New Hampshire values of heritage, hard work, productivity and stewardship. They are witnesses to the role of ag-

riculture in our state's image and its economy, and they serve as scenic landmarks for residents and visitors alike. They are among our most highly valued heritage resources, but many can no longer generate sufficient income to prevent their loss by decay or demolition. In order to assist the owners who are making an effort to preserve these irreplaceable assets, it is hereby declared to be public policy and in the public interest of this state to establish a pilot program of matching grants for preserving historic agricultural structures in New Hampshire.

2 Pilot Program Established. A 2-year pilot program of matching grants to preserve historic barns and agricultural structures in New Hampshire is hereby established. This pilot program shall terminate on June 30, 2001, unless authorized to continue by the legislature.

### 3 Advisory Committee.

I. For the purpose of soliciting applications, recommending grant awards, and considering any other matter necessary to the administration of this act, an advisory committee to the division of historical resources shall be established, consisting of:

- (a) The commissioner of cultural resources, or designee.
- (b) The commissioner of agriculture, markets, and food, or designee.
- (c) The commissioner of resources and economic development, or designee.
- (d) The chairperson of the state conservation committee, or designee.
- (e) The director of the division of historical resources, or designee, who shall act as the committee chair.
- (f) The executive director of the New Hampshire Farm Service Agency, or designee.
- (g) The director of the New Hampshire Farm Bureau Federation, or designee.
- (h) The director of the university of New Hampshire Cooperative Extension, or designee.
- (i) The master of the New Hampshire state grange, or designee.
- (j) A member of the state historical resources council.
- (k) A staff member of the division of historical resources selected by the director.
- (l) Two individuals actively engaged in agriculture, selected by the committee.

II. On or before June 30, 2001, the committee shall make a report to the speaker of the house of representatives, the senate president, and the governor, with a recommendation whether or not the program ought to be established by law on a permanent basis. The committee report shall make any other recommendations regarding the program as may be appropriate.

4 Appropriation. A sum of \$50,000 for the fiscal year ending June 30, 2000, and the sum of \$50,000 for the fiscal year ending June 30, 2001, is hereby appropriated to the division of historic resources, department of cultural resources, to be awarded competitively to eligible applicants. Funds which are not expended in the first year of the biennium shall not lapse, but shall be carried over to the second year. The funds shall be used solely for grant awards and shall be matched with an equal or greater value of cash, labor, or materials provided by the applicant from private, local, state, or federal sources. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Eligibility. In order to qualify for grant assistance, agricultural buildings and structures shall be listed in the National Register of Historic Places, or shall be formally determined to be eligible for the National Register of Historic Places, or shall be listed or formally determined to be eligible for listing in the state register of historic places, in accordance with established procedures of the division of historical resources, prior to receiving any grant funds. Priority will be given to projects that:

- (a) Preserve historic building features.
- (b) Preserve important examples of historic agricultural building types.
- (c) Promote productive long-term use of the property.
- (d) Preserve important local landmarks.
- (e) Are located on designated scenic and cultural byways.
- (f) Would accept a preservation restriction, as defined in RSA 477:45.

6 Recapture. If a recipient or subsequent owner takes any action within 10 years of the grant award with respect to the assisted building or structure, such as dismantlement, removal, or substantial alteration, which causes it to no longer be eligible for listing on the National Register of Historic Places, within one year from the date of loss of eligibility, the preservation grant shall be repaid in full to the state of New Hampshire.

7 Effective Date. This act shall take effect July 1, 1999.

## AMENDED ANALYSIS

This bill establishes a pilot program of matching grants to preserve historic agricultural structures.  
Adopted.

Report adopted and referred to Finance.

**HB 510-FN**, relative to monitoring aerial spraying of herbicides. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Betty B. Hall for the Majority of Environment and Agriculture: The Senate is considering a similar bill and the majority of the Committee would like to retain the bill. Vote 8-7.

Rep. Harold P. Melcher for the Minority of Environment and Agriculture: Since a nearly identical bill will be coming over from the Senate, the minority felt that this bill is unnecessary.

Rep. Scanlan moved Re-commit to Committee and spoke in favor.

Rep. Musler spoke in favor.

Adopted.

**HB 66-FN**, relative to disability retirement benefits for retirement system members permanently incapacitated for duty. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Murphy for Executive Departments and Administration: This bill, as amended, amends RSA 100-A:6, I(c) and II(c) to clarify the procedure for processing the application of a member of either Group I or Group II for accidental disability retirement allowance. It mandates that the employer, employee's insurance carrier or the commissioner of labor must find the incapacitating accident, or other medical cause, compensable. Further, the bill mandates that the member concerned, if he enters into a "lump-sum" settlement of a claim that was denied or found "not compensable" by any of these three agencies, must prove before the retirement board of trustees, by a preponderance of the evidence, that the injury was work related and of the type described by the law before he qualifies for disability benefits. This bill is the result of concern of the board of trustees over the continuing increase in disability retirements many of which are "lump-sum" settlement transfers to the retirement system. Vote 16-1.

## Amendment (0488h)

Amend RSA 100-A:6, I(c)(2)(C) as inserted by section 1 of the bill by replacing it with the following:

(C) The incapacitating accident, trauma, degeneration, or occupational disease has been found to be compensable by the employer, the employee's insurance carrier, or the commissioner of labor pursuant to RSA 281-A:43.

Amend RSA 100-A:6, I(c)(3) and (4) as inserted by section 1 of the bill by replacing it with the following:

(3) The member applying pursuant to subparagraph (c)(1) shall have the burden of proving causation before the board of trustees if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the labor commissioner or the compensation appeals board after hearing pursuant to RSA 281-A:43. In the case of any lump sum settlement, the board of trustees shall require the member seeking disability retirement benefits to prove by a preponderance of the evidence the existence of a work-related injury of the type described in subparagraph (c)(1) (A)-(C), and also that the work-related injury naturally and proximately resulted in the member's total and permanent incapacity from duty. If the board of trustees is unable to grant disability retirement benefits after review of medical and factual information submitted by the member and by a physician designated by the board, then the member shall be entitled to a hearing before the board in order to determine whether the member qualifies for disability retirement benefits.

Amend RSA 100-A:6, II(c)(2)(C) as inserted by section 2 of the bill by replacing it with the following:

(C) The incapacitating accident, trauma, degeneration, or occupational disease has been found to be compensable by the employer, the employee's insurance carrier, or the commissioner of labor pursuant to RSA 281-A:43.

Amend RSA 100-A:6, II(c)(3) and (4) as inserted by section 2 of the bill by replacing it with the following:

(3) The member applying pursuant to subparagraph (c)(1) shall have the burden of proving causation before the board of trustees if the member enters into a lump sum settlement of an injury claim that was at any time denied by the employer or the employer's insurance carrier and not found compensable by final decision of the labor commissioner or the compensation appeals board after hearing pursuant to RSA 281-A:43. In the case of any lump sum settlement, the board of trustees shall require the member seeking disability retirement benefits to prove by a preponderance of the evidence the existence of a work-related injury of the type described in subparagraph (c)(1) (A)-(C), and also that the work-related injury naturally and proximately resulted in the member's total and permanent incapacity from duty. If the board of trustees is unable to grant disability retirement benefits after review of medical and factual information submitted by the member and by a physician designated by the board, then the member shall be entitled to a hearing before the board in order to determine whether the member qualifies for disability retirement benefits.

Adopted.

Report adopted and referred to Finance.

**HB 392**, relative to exemptions from required child immunizations. **INEXPEDIENT TO LEGISLATE**  
Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill is the result of a request by some people to be able to be exempted from some immunizations and/or vaccinations. The present system has been in place for many years and has served us well, by eliminating some diseases such as small pox and controlling others such as measles. All of the diseases controlled by vaccination and/or immunization can have serious complications and the committee feels that we have a public health responsibility to protect the common good. There is also a limited potential for adverse reactions (complications) from these vaccinations and/or immunizations. At the present time, there is an option for a medical or religious exemption. There are 17 states that have a philosophical exemption. Statistically, the resulting data from these 17 states have not been available to us as yet. There are studies being conducted to try to find this out, but they are not completed at the present time. The committee feels that we must support the present system. If in the future, the national studies being conducted indicate we should take other action, we can do so in the future. Vote 16-1.

Adopted.

**HB 618-FN-A**, establishing a voucher program for smoking cessation and continually appropriating a special fund. **OUGHT TO PASS**

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: This bill allows for a voucher program for smoking cessation, including behavior modification courses, the nicotine patch, inhalers, physician visits when required and so on. The initial target group would be high school programs, college campuses and welfare clients. Part of the funding would go to a tobacco prevention program for 5<sup>th</sup> and 6<sup>th</sup> graders. The state of New Hampshire currently funds \$0.00 for tobacco prevention. The Department of Health & Human Services testified against the bill because they are in hope the Senate will pass a \$10 million plan. However, the committee feels the \$2 million in this bill is a good start by using a small part of the multi-million dollar tobacco settlement money towards helping smokers "kick the habit". Vote 15-1.

Adopted and referred to Finance.

**HB 519-L**, relative to the liability of governmental units for personal injury or property damage arising out of police pursuit of individuals or vehicles operated by such individuals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Judiciary: A number of years ago legislation was enacted to assure that citizens have trained and responsible personnel entering our police units (Police Standards & Training). However, if some law enforcement units do not have policies reflective of this legislative intent, it can put the public at risk and subject the towns and police personnel to a higher degree of liability. It will keep the police within the parameters to which they have been trained. This bill's major thrust indicates a legislative concern for public safety. Vote 14-2.

#### **Amendment (0718h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring law enforcement agencies to adopt written policies regarding emergency responses and vehicular pursuits.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Policies Regarding Police Pursuit and Emergency Vehicle Operation. Amend RSA 265 by inserting after section 8 the following new section:

265:8-a Police Pursuit and Emergency Response. Each state, county and local law enforcement agency that conducts emergency response and vehicular pursuits shall adopt a written policy or policies that set forth the manner in which these operations shall be conducted. Such policy or policies shall conform to state and national accreditation standards as adopted by the police standards and training council or the national commission on accreditation for law enforcement agencies and shall be kept on file and available for inspection by the police standards and training council and the attorney general.

2 Effective Date. This act shall take effect January 1, 2000.

### AMENDED ANALYSIS

This bill requires each state, county, and local law enforcement agency that conducts emergency response and vehicular pursuits to adopt written policies on the manner in which these operations are conducted.

Adopted.

Report adopted and ordered to third reading.

**HB 660**, authorizing the New Hampshire Bar Association to assess bar dues and authorizing the supreme court to assess attorneys for professional conduct and public protection fund fees. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Jane Wood for the Majority of Judiciary: This bill purports to "authorize" a taxing system by the supreme court of practicing attorneys for dues and assessments, including costs of the Public Protection Fund and Professional Conduct Committee. According to 142 NH 588 (1998) In Re Public Protection Fund, ordering the assessment from attorneys for the support of the fund is not assessing an unconstitutional tax, but an act found necessary by the court, in aid of its own responsibilities, to see to the proper administration of justice (Supr. Ct. R.55). For this reason, and the fact that passing this legislation now would deem this a tax would open the legislature up to future raising of these funds, as necessary, the committee found this new legislation to be unnecessary. Vote 15-1.

Rep. Tony F. Soltani for the Minority of Judiciary: The New Hampshire Supreme Court has required all lawyers admitted to practice to join the New Hampshire Bar Association; a private organization. It has also required attorneys to pay the so-called Professional Conduct fees which are used, among other things, to have attorneys at the discretion of a committee appointed exclusively by the supreme court. The court has also required the attorneys to pay the so-called client protection fund assessment. The assent of the representatives of this state has never been obtained in order to impose these taxes against enterprises which ultimately recover them from the consumers. There is no authority for any entity to impose taxes in New Hampshire, save for the General Court. This bill is a much needed mechanism to legitimize the imposition of these levies.

Rep. Mirski spoke against.

Rep. Bergin spoke in favor.

Rep. Weber requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 265 NAYS 77**

**YEAS 265**

**BELKNAP**

Bartlett, Gordon

Holbrook, Robert

Millham, Alida

Pilliod, James

Rice, Thomas

Salatiello, Thomas

Thomas, John

Turner, Robert

Wendelboe, Francine

**CARROLL**

Bradley, Jeb

Chandler, Gene

Dickinson, Howard

Kenney, Joseph

Mock, Henry

Patten, Betsey

Sullivan, P Judith



**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Hunt, John	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger

**COOS**

Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Landers, Dana	Merrill, Gerald	Rodrigue, Robert
Tholl, John, Jr			

**GRAFTON**

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Dudley, Terri	Eaton, Stephanie	Ham, Bonnie	Johnson, Gary
LaMott, Paul	Marshall, Gene	Nordgren, Sharon	Phinney, William
Picconi, Al	Scanlan, David	Solow, Martha	

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Carlson, Donald	Clegg, Robert, Jr	Clemons, Jane
Coughlin, Pamela	Curran, James	Daigle, Robert	Dawe, Eileen
Desmarais, Vivian	Desrosiers, William	Drabinowicz, A	Durham, Susan
Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fields, Dennis	Flora, Kathleen	Ford, Nancy	Foster, Linda
Franks, Suzan	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Herman, Keith	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold	McCarthy, William
McCarty, Winston	McColgan, Philip, Jr	McDonough-Wallace, Alice	McGough, Tim
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Milligan, Robert	Moriarty, Mary	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Perkins, Paul	Peterson, Andrew	Reeves, Sandra	Reidy, Frank
Sarette, John	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Turgeon, Roland	White, John	Williams, Carol	

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Jacobson, Alf	Leber, William	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Seldin, Gloria
Virtue, Carolyn	Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Case, Margaret	Clark, Martha	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	Dolan, Richard
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Flanagan, Natalie

Flanders, John, Sr  
Grant, Kenneth  
Hutchinson, Karen  
Kelley, Jane  
Lovejoy, Marian  
Norelli, Terie  
Pitts, Jacqueline  
Ruffner, Walter  
Shelton, Richard  
Vaughn, Charles  
Zolla, William

Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Rebecca  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Sabella, Norma  
Shultis, Elizabeth  
Verani, Giovanni

Gibbons, Paul  
Hamel, Albert  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Raynowska, Bernard  
Sapareto, Frank  
Stone, Joseph  
Weare, Everett

Gleason, John  
Henderson, Warren  
Kane, Cecelia  
Langone, John  
Morse, Charles  
Pantelakos, Laura  
Reardon, Neil  
Schanda, Frank  
Tufts, J Arthur  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Gilmore, Gary  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Woods, Phyllis

Brennan, William  
DeChane, Marlene  
Grassie, Anne  
Keans, Sandra  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph

Brown, George  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Spear, Barbara  
Vincent, Francis

Brown, Julie  
Estabrook, Iris  
Johnson, Nancy  
Lundborn, Raymond  
Smith, Marjorie  
Taylor, Kathleen  
Wall, Janet

### SULLIVAN

Allison, David  
Jones, Constance

Burling, Peter  
Leone, Richard

Cloutier, John  
McIntyre, Sara

Flint, Gordon, Sr  
Wiggins, Celestine

### NAYS 77

### BELKNAP

Boriso, Thomas  
Rosen, Ralph

Boyce, Robert

Czech, Stanley

Johnson, James

### CARROLL

Babson, David, Jr

Howard, Godfrey

Torressen, Gary

### CHESHIRE

Riley, William

Roberts, William

Rose, William

### COOS

Woodward, David

### GRAFTON

Alger, John  
Hall, David  
Weber, Phil

Brothers, Richard  
Harmon, Hobart

Cobb, John  
Hinman, Harry

Gilman, G Michael  
Mirski, Paul

### HILLSBOROUGH

Alukonis, David  
Cote, David  
Jean, Loren  
MacGillivray, Jeffrey  
Pepino, Leo

Beaupre, Roland  
Daniels, Gary  
LaPorte, George  
Martel, Andre  
Vaillancourt, Steve

Bruno, Pierre  
Fletcher, Richard  
Lefebvre, Roland  
Martin, Mary  
Wall, Nancy

Christiansen, Lars  
Holley, Sylvia  
Leonard, Peter  
Ouellette, Dean  
White, Donald

### MERRIMACK

Kennedy, Richard  
Marple, Richard

Langer, Ray  
St Cyr, Gerard

Larrabee, David, Sr  
Wallin, Jean

Lavoie, Gerard  
Whittemore, James

**ROCKINGHAM**

Beaulieu, Jon  
Katsakiores, Phyllis  
Nowe, Mary Lou  
Quandt, Marshall  
Varrell, Thomas

Bridle, Russell  
Letourneau, Robert  
Noyes, Richard  
Rubin, George  
Welch, David

Fesh, Robert  
Mikowski, Walter  
Packard, Sherman  
Stickney, Nancy  
Whittier, John

Katsakiores, George  
Moore, Benjamin  
Putnam, Ed, II  
Stritch, C Donald

**STRAFFORD**

Bickford, David  
McKinley, Robert

Cossette, Larry  
Musler, George

Domingo, Baldwin

Knowles, William

**SULLIVAN**

Donovan, Thomas, Jr

Phiniza, James

Tuthill, John

and the majority report was adopted.

Reps. Hess, Simon, Craig, Vachon, Young, Dokmo, Rowe, DiFruscia, Withee, Ward and Dalianis declared conflicts of interest and did not participate.

**HB 94**, relative to enforcement of the child passenger restraint law. **OUGHT TO PASS WITH AMENDMENT**

Rep. George A. LaPorte for Transportation: This bill makes it a primary offense for not wearing a seatbelt under the age of 18. This was passed by the House and was asked for reconsideration, sent back to our committee to amend. What the amendment says is that for first offense only, a driver under 18 years of age shall not be subject to license suspension. Any other fines may still apply. Vote 16-3.

**Amendment (0605h)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as section 3:

2 New Paragraph; Original and Youth Operators' Licenses; First Offense for Failure to Wear a Seatbelt. Amend RSA 263:14 by inserting after paragraph III the following new paragraph:

III-a. A driver who is under 18 years of age shall not be subject to license suspension for a first violation of RSA 265:107-a, I-a.

**AMENDED ANALYSIS**

This bill repeals the secondary offense provision of the child passenger restraint law and exempts drivers under 18 years of age from license suspension for a first offense.

Adopted.

Report adopted and ordered to third reading.

**HB 616-FN-A**, relative to providing tuition funds to students participating in private driver education courses from the driver training fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. George A. LaPorte for Transportation: This bill, as amended, allows students who pass a certified driver education course to be eligible for instate driver training funds. This bill creates a level playing field for 16 and 17 year olds who successfully complete a driver education course with a New Hampshire certified driver education school outside of the public school curriculum. The money for this is already available through RSA 263:52 *require that \$5.00 of every original license fee and \$25.00 vanity plate fee be used to fund the driver education program, including reimbursement.* The vanity plate fund does not have a "current" balance. At the end of each fiscal year any amount remaining in the vanity plate fund which exceeds the driver education program appropriation lapses to the general fund. In calendar year 1998, the Division of Motor Vehicles issued 12,045 licenses to drivers under 18. The current FY '00 budget will support reimbursements of 12,100 students, and the FY '01 budget will support the reimbursement of 12,700 students without the need for requesting an additional appropriation. In FY '98, \$34,000 lapsed to the general fund. This program is self-funding and current law. Vote 19-0.

**Amendment (0737h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to providing funds to certified driver education courses from the driver training fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Driver Training Fund. Amend RSA 263:52, 1 to read as follows:

1. The proceeds from original license fees as provided in RSA 263:42 and \$5 from every special fee for vanity number plates collected in accordance with RSA 261:89, plus such additional portion of the \$25 special fee for vanity number plates or the renewal of the use of such plates as is needed to fully fund the driver training program for each fiscal year as determined by the general court pursuant to paragraph II, after costs of such plates or designation of effective periods thereof and issuance of same have been appropriated and deducted, shall be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of secondary schools *or schools certified by the department of safety*. After all costs of administration of the program each year of the biennium have been reserved, the balance which is appropriated to the driver training program shall be paid to the state treasurer by June 30 of each year. Such balance shall be kept in a separate fund which shall be paid out on or before September 15 of each year to participating schools prorated on a per-pupil basis for those who have completed the driver education program[?] *under the supervision of secondary schools, and to students who have demonstrated to the satisfaction of the department of safety that they have successfully completed a driver education program in a school certified by the department of safety*. Subject to final approval by the governor and council, the commissioner of safety jointly with the commissioner of education shall adopt pursuant to RSA 541-A and publish rules governing the courses of instruction and training and determining eligibility of secondary schools *or schools certified by the department of safety* to receive moneys from the fund established by this section.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill provides that moneys from the driver training fund shall be distributed to students of driver training schools certified by the department of safety, in addition to the state's secondary schools.

Adopted.

Rep. Packard yielded to questions.

Report adopted and referred to Finance.

**RESOLUTION**

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 22, 1999 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 374**, relative to the order of names on presidential primary election ballots.

**HB 230**, clarifying the waste reduction goals for the state of New Hampshire.

**HB 519-L**, requiring law enforcement agencies to adopt written policies regarding emergency responses and vehicular pursuits.

**HB 94**, relative to enforcement of the child passenger restraint law.

**UNANIMOUS CONSENT**

Rep. Eaton addressed the House.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 11:45 a.m.

**RECESS**

**(Rep. Chandler in the Chair)**

**RESOLUTION**

Rep. Henderson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 740, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 740-FN-A-L**, increasing the amount of district foundation aid. (Wendelboe, Belk 2: Finance)

**RECESS**

**(Rep. MacGillivray in the Chair)**

**RESOLUTION**

Rep. Martel offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 200 and 215, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 200**, relative to child care licensing procedures. (Children and Family Law)

**SB 215**, transferring certain responsibilities for shellfish harvesting and regulation. (Executive Departments and Administration)

**SENATE MESSAGE****CONCURRENCE**

**HB 79**, relative to reports to the bank commissioner and to safe deposit box openings.

**HB 80**, making technical corrections in the banking laws.

**RECESS**

**(Rep. Herman in the Chair)**

**RESOLUTION**

Rep. Grant offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 30, 67, 70, 81, 86, 135, 141, 159, 165 and 168 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 30**, relative to the cruelty to animals law. (Criminal Justice and Public Safety)

**SB 67**, limiting liability resulting from the use of automatic external defibrillation. (Judiciary)

**SB 70**, changing the safe drinking water standard for MTBE. (Science, Technology and Energy)

**SB 81**, permitting the city of Manchester to issue bonds to finance unfunded liability of the city's employee pension system. (Municipal and County Government)

**SB 86**, relative to enforcement of the collection and payment of county taxes by the county treasurer. (Municipal and County Government)  
**SB 135-FN**, relative to water supply land protection grants. (Resources, Recreation and Development)  
**SB 141**, relative to information not subject to the right-to-know law. (Judiciary)  
**SB 159**, relative to early reduction of greenhouse gases. (Science, Technology and Energy)  
**SB 165**, relative to the Uniform Trustees' Powers Act. (Judiciary)  
**SB 168**, adopting a model statute included in the tobacco litigation master settlement agreement. (Judiciary)

## SENATE MESSAGE

### CONCURRENCE

**HB 92**, exempting permanently disabled veterans from the requirement of reestablishing their disability status for the division of motor vehicles every 4 years to prove eligibility for special license plates.  
**HB 218-L**, reinstating the corporate charter of Approved Industries, Inc.  
**HB 244**, relative to the corporate charter of the Laconia Airport Authority.  
**HB 250**, relative to authorized regional enrollment area schools.  
**HB 288**, relative to the committee to study land management, protection of farmland, rural character, environmental quality and sprawl.  
**HB 355**, relative to the dredging of harbors and channels.  
**HB 490**, enabling cities to permit the mayor to vote at city council meetings.  
**HCR 6**, a resolution calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

## RECESS

(Rep. Nordgren in the Chair)

### RESOLUTION

Rep. Burling offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 741 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.  
Adopted.

## INTRODUCTION OF HOUSE BILL

### First, second reading and referral

**HB 741**, relative to the ratio of apprentices to journeymen in trade or industry apprenticeship programs. (Clegg, Hills 23: Labor, Industrial and Rehabilitative Services)

## RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 15

Thursday, April 22, 1999

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Bradley J. Bergfalk from the Concord Covenant Church.

In Your mercy, O God, give strength to the broken-hearted, give hope to the hopeless and faith to those whose faith is flagging during these difficult days in Colorado. And as for us, be generous with this same strength, hope and faith so that in both life and death we may recognize Your abundant mercy and grace in the midst of life's twists and turns. Amen.

Reps. Avery and Rabideau led the Pledge of Allegiance.

### MOMENT OF SILENCE

Reps. Chandler and Burling moved that the House stand and observe a moment of silence in sympathy and respect for the people of Littleton, Colorado.  
Unanimously adopted by a rising vote.

### LEAVES OF ABSENCE

Reps. Courchesne, Paul Gagnon, Golden, Hansen, Hunter, McGolgan and Moriarty, the day, illness. Reps. Asplund, Bishop, Case, James McDonald, Schanda, Riley, Solow, Tsiros and Weatherspoon, the day, important business.

### INTRODUCTION OF GUESTS

Rachel Sooter, Kailin Kroetz and Jennifer Roberts, granddaughters of Rep. Roberts. Former NH House Majority Leader Robert Wheeler, guest of the House. Carl Meinelt and Patrick McCaddey, guests of Rep. DiFruscia. Kaitlin and Kelsey Downing, daughters of Rep. Downing. Page Mendenhall, daughter of Rep. Mendenhall. Barbara Brewster, wife of Rep. Brewster. Nicole and Lisa Picconi, daughters of Rep. Picconi. Sally Chase, wife of Rep. Chase. Former NH Rep. Donald Welch, guest of Rep. Seldin.

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 207-FN-A**, directing the office of state planning to conduct a study of the effects of sprawl in the state and making an appropriation therefor. (Amendment printed SJ 9, 3/25/99)

Rep. Hess moved that the House concur and spoke in favor.

Adopted.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 80, 244, 249 and 250.

Rep. Ronald Nowe, Sen. Disnard, for the Committee

Without objection, the Speaker called for consideration of the committee report on House Bill 740.

### COMMITTEE REPORT

**HB 740-FN-A-L**, increasing the amount of district foundation aid. **INEXPEDIENT TO LEGISLATE** Rep. Jeffrey C. MacGillivray for Finance: This bill proposes to address the Claremont issue by enacting a two-year interim solution of \$245 million of local aid per year under the existing foundation aid formula, and asking the Supreme Court for permission to use this interim solution for these two years, or until a permanent solution is adopted. The bill would only take effect if the Supreme Court allows the taxing system to fund public education in effect during the 1998 tax year to be in effect until the end of the 2000 tax year.

However, this bill does not solve the long-term issue. The sponsor has stated clearly that this bill is only an interim solution, which would be sent to the Court with a request that it be approved as an interim solution. This bill doesn't solve the problem, doesn't address adequacy, and doesn't equalize tax rates for any towns for any portion of educational spending. While it is conceivable that the Court might approve an interim solution as part of a complex permanent solution, the Committee finds it extremely unlikely that the Court which has denied an extension in the past would consent to any interim solution without a permanent solution attached. Vote 19-4. Rep. Wendelboe spoke against and yielded to questions. Reps. MacGillivray and Thulander spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Vivian Clark moved that *HB 740-FN-A-L*, increasing the amount of district foundation aid, be laid on the table. On a division vote, 134 member having voted in the affirmative and 231 in the negative, the motion failed. Report adopted.

REMOVED FROM THE TABLE

Reps. Chandler and Burling moved that *HB 117-FN-A-L*, relative to local property taxation and state aid to support an adequate public education and making an appropriation therefor, be removed from the table. Rep. Chandler requested a roll call; sufficiently seconded.

YEAS 341 NAYS 28

YEAS 341

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Millham, Alida	Pilliod, James	Rice, Thomas	Rosen, Ralph
Salatiello, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine
Wood, Jane			

CARROLL

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
Torresen, Gary			

CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Roberts, William	Robertson, Timothy	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger

COOS

Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Rodrigue, Robert	Tholl, John, Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Copenhaver, Marion	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Guest, Robert	Hinman, Harry	MacNeil, Allen
Marshall, Gene	Nordgren, Sharon	Phinney, William	Picconi, Al
Scanlan, David	Ward, Brien	Weber, Phil	



**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Burkush, James	Calawa, Leon, Jr	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr	Clemons, Jane	Cote, David	Coughlin, Pamela
Craig, James	Curran, James	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Herman, Keith	Herman, Richard
Holley, Sylvia	Jean, Claudette	Jean, Loren	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martel, Andre	McCarthy, William	McCarty, Winston
McGough, Tim	Melcher, Harold	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Perkins, Paul	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Searles, Stanley, Sr	Simon, Anthony	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald
White, John	Williams, Carol	Withee, Dennis	

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard
Langer, Ray	Larrabee, David, Sr	Leber, William	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	Soltani, Tony	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Bridle, Russell	Christie, Andrew, Jr	Clark, Martha	Clark, Vivian
Cooney, Richard	Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Grant, Kenneth
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Mikowski, Walter	Morse, Charles	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Quandt, Marshall	Rabideau, Marie	Reardon, Neil	Rubin, George
Ruffner, Walter	Sabella, Norma	Sapareto, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stickney, Nancy	Stone, Joseph

Tufts, J Arthur  
Weare, Everett  
Zolla, William

Varrell, Thomas  
Welch, David

Vaughn, Charles  
Weyler, Kenneth

Verani, Giovanni  
Whittier, John

**STRAFFORD**

Berube, Roger  
Brown, Julie  
Domingo, Baldwin  
Grassie, Anne  
Keans, Sandra  
McKinley, Robert  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph

Bickford, David  
Callaghan, Frank  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Musler, George  
Rollo, Michael  
Spear, Barbara  
Vincent, Francis

Brennan, William  
Cossette, Larry  
Estabrook, Iris  
Johnson, Nancy  
Lent, Donald  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Wall, Janet

Brown, George  
DeChane, Marlene  
Gilmore, Gary  
Kaen, Naida  
Lundborn, Raymond  
Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin  
Woods, Phyllis

**SULLIVAN**

Allison, David  
Flint, Gordon, Sr  
McIntyre, Sara  
Wiggins, Celestine

Burling, Peter  
Jones, Constance  
Phinizy, James

Cloutier, John  
Kibbey, David  
Robb-Theroux, Amy

Donovan, Thomas, Jr  
Leone, Richard  
Tuthill, John

**NAYS 28**

**BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

None

**COOS**

Landers, Dana

**GRAFTON**

Hall, David

Harmon, Hobart

Johnson, Gary

Mirski, Paul

**HILLSBOROUGH**

Arthur, Rose  
Daigle, Robert  
McRae, Karen

Bergeron, Lucien  
Desrosiers, William  
Murphy, Robert

Chabot, Robert  
Gagnon, Eugene  
Ouellette, Dean

Cote, Peter  
Leonard, Peter

**MERRIMACK**

Feuerstein, Martin  
Virtue, Carolyn

Lavoie, Gerard

Marple, Richard

St Cyr, Gerard

**ROCKINGHAM**

Beaulieu, Jon  
Putnam, Ed, II

Cox, Russell  
Raynowska, Bernard

Dunham, Vivian  
Stritch, C Donald

Moore, Benjamin

**STRAFFORD**

None

**SULLIVAN**

None

and the motion was adopted.

The question now being the pending question of Re-commit to Committee.

Rep. Chandler spoke against.

The motion failed.

Rep. Hess moved Ought to Pass with Amendment and offered a floor amendment (0926h).

### **Floor Amendment (0926h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a uniform education property tax and a utility property tax, increasing the business profit and real estate transfer taxes, and including other sources of revenue to provide funding for an adequate public education and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Intent.**

I.(a) The New Hampshire supreme court has ruled that the state has a duty to fund a constitutionally adequate education for public elementary and secondary pupils. The state has long relied upon a system of localized property taxation to fund education, a system to which many have become accustomed and about which economic forces have acquired settled expectations. The court, however, has said that such system for funding an adequate education violates the constitutional requirement that all taxes levied in the state be proportional and reasonable. A fiscal policy based upon property taxation, according to the court's interpretation, must be "equal in valuation and uniform in rate throughout the state." Acknowledging that reorganization of the revenue raising structure for public elementary and secondary education is now compelled, the general court chooses hereby to do so in a manner that is the least disruptive of settled economic expectation and social fabric of the community.

(b) By this act the general court establishes a fair taxation policy intended to preserve local control of public schools and retain the incentive for parental and local community participation in the education of the children of New Hampshire. Such involvement is essential to the maintenance of the quality of the state's educational institutions which have heretofore produced high scores on comparative measures of educational outcome. The general court recognizes that disparity exists among cities and towns relative to their ability to raise basic expenses of an adequate public education. Assistance, where required, must be supplied.

(c) The following are intended to carry out this legislative purpose:

(1) Impose a uniform state property tax at the lowest possible rate consistent with providing funding for educational adequacy throughout the state.

(2) Subsidize with state grants funded from a statewide services tax, utility property tax, and other sources, municipalities whose property base is insufficient to support an adequate education.

II.(a)(1) A statewide property tax levied at a uniform rate upon equalized property values is generally an equitable method for funding an adequate education. However, reorganizing the existing system will inevitably upset to some degree the delicate balance of social and economic forces at work in the state. A uniform state tax rate will increase property taxes in cities and towns with relatively higher property values. The immediate effect of such increase will be felt disproportionately by homeowners with limited means. The tax may also have a dramatic effect upon certain classes of property such as utility property. Utility property is highly susceptible to interjurisdictional assessment variation and exacerbates the disparity among municipalities. An additional potential problem is the specter of competitive underassessment among cities and towns as the effects of the statewide tax begin to be felt.

(2) In cities and towns with relatively higher property values, sharp increases in property taxes may cause business failure where fixed costs increase faster than the ability to recoup them. Commercial rental property owners may find themselves locked in by lease provisions that prevent them from recouping tax increases from tenants, resulting in reduced reinvestment in the property, and potential foreclosure or bankruptcy. Also substantial increases in property tax obligations may cause or permit lenders to foreclose on mortgage notes based on the decreased ability of the borrower to meet the income level required by the lender because of the higher total mortgage payment obligations. Tax capitalization which decreases property values may also cause foreclosures on otherwise performing loans because the regulated lending institution must call the loan to comply with rules and regulations.

(b) The following are intended to mitigate these consequences so far as is practicable:

(1) Stabilize valuation of utility property by removing it from the local base for purposes of educational adequacy funding and taxing such property at the state level for distribution through an educational fund.

(2) Forestall the possibility of interjurisdictional assessment variations by increasing the level of state oversight in the equalization process.

2 New Subparagraph; Education Trust Fund. Amend RSA 6:12, I by inserting after subparagraph (vvv) the following new subparagraph:

(www) Money received under 77-A, RSA 78, RSA 78-B, RSA 83-F, RSA 198:50, and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

3 Gender Reference Change. Amend the introductory paragraph of RSA 21-J:3 to read as follows:

In addition to the powers, duties, and functions otherwise vested by law, including RSA 21-G, in the commissioner of the department of revenue administration, ~~[he]~~ **the commissioner** shall:

4 Duties of Commissioner. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually **by March 31** the valuation of the property in the several towns, cities, and unincorporated places in the state **including the value of property exempt pursuant to RSA 72:36-b, 72:37-b, 72:39-a, 72:62, 72:66, and 72:70** by adding to or deducting from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 73:27; and 73:11 through 16 inclusive, which were relieved from taxation by the laws of 1970, 5:3; 5:8; 57:12; and 57:15, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA 31-A, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes **or payments in lieu of taxes** as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. **In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.**

5 New Paragraph; Duties of Commissioner. Amend RSA 21-J:3 by inserting after paragraph XXIV the following new paragraph:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16 - 19 whenever the valuation of property for equalization purposes in a particular city, town, or unincorporated place is disproportional to the valuation for equalization purposes in other cities, towns, or unincorporated places in the state.

6 Division of Property Appraisal; Department of Revenue Administration. RSA 21-J:9 is repealed and reenacted to read as follows:

21-J:9 Division of Property Appraisal. There is established within the department the division of property appraisal, under the supervision of a classified director of property appraisal who shall be responsible for the following functions, in accordance with applicable laws:

I. Assisting and supervising municipalities and appraisers in appraisals and valuations as provided in RSA 21-J:10 and RSA 21-J:11.

II. Appraising state-owned forest and recreation land under RSA 227-H and RSA 216-A.

III. Annually determining the total equalized valuation of properties in the cities and towns and unincorporated places according to the requirements of RSA 21-J:9-a.

IV. Preparing a standard appraisal manual which may be used by assessing officials, and holding meetings throughout the state with such officials to instruct them in appraising property.

7 New Section; Equalization Procedure. Amend RSA 21-J by inserting after section 9 the following new section:

21-J:9-a Equalization Procedure. The following procedures shall apply in determining the equalization of property within the cities, towns, and unincorporated places as required by RSA 21-J:3, XIII:

I. The commissioner shall annually conduct a sales-assessment ratio study which shall include arm's length sales or transfers of property that occurred 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made.

II. In determining the arm's length sales or transfers that are included in the sales-assessment ratio study, the commissioner may use a randomly selected sample of such sales and transfers the size of which shall be determined by the total taxable parcels in the city, town, or unincorporated place.

III. If less than 2 percent of the total taxable parcels in a city, town, or unincorporated place has been transferred by an arm's length sale or transfer during the 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made or the commissioner determines the sales are unrepresentative of the property within the municipality, the commissioner may choose one or more of the following options in the order listed:

(a) Include appraisals of any of the taxable property of such city, town, or unincorporated place in the sales-assessment ratio study. Such appraisals shall be based on full and true market value pursuant to RSA 75:1 and shall be performed by department appraisers. The property to be appraised shall be selected by the commissioner.

(b) Include arm's length sales or transfers in the city, town, or unincorporated place, within 2-1/2 years preceding April 1 of the year preceding the tax year for which such equalization is made.

(c) Consider recent equalization ratio activity in adjoining cities, towns, or unincorporated places.

IV. The commissioner shall use the inventory of property transfers authorized by RSA 74:18 in determining the equalized value of property and may consider such other evidence as may be available to the commissioner on or before the time the final equalized value is determined.

8 Appraisals of Property for Ad Valorem Tax Purposes. RSA 21-J:11 is repealed and reenacted to read as follows:

21-J:11 Appraisals of Property For Ad Valorem Tax Purposes.

I. Every person, firm, or corporation intending to engage in the business of making appraisals on behalf of a municipality for tax assessment purposes in this state shall notify the commissioner of that intent in writing. No person, firm, or corporation engaged in the business of making appraisals of taxable property for municipalities and taxing districts shall enter into any contract or agreement with any town, city, or other governmental division without first submitting the proposed contract or agreement to the commissioner for examination and approval and submitting to the commissioner evidence of financial responsibility and professional capability of personnel to be employed under the contract.

II. The commissioner, at no expense to the municipality, shall monitor appraisals of property and supervise appraisers as follows:

(a) Assure that appraisals comply with all applicable statutes and rules;

(b) Assure that appraisers are complying with the terms of any appraisal contract;

(c) Review the accuracy of appraisals by inspection, evaluation, and testing, in whole or in part, of data collected by the appraisers; and

(d) Report to the governing body on the progress and quality of the municipality's appraisal process.

III. The commissioner shall adopt rules under RSA 541-A relative to the provisions required of all contracts for appraisal services and the methodology for inspection, evaluation, and testing of data for the purposes of appraisal monitoring.

9 New Paragraph; Reports Required. Amend RSA 21-J:34 by inserting after paragraph XIV the following new paragraph:

XV. A report filed by the assessing officials of each city, town, and unincorporated place shall certify sales-assessment information necessary for the department to conduct the annual sales-assessment ratio study required by RSA 21-J:9-a. This report shall be filed November 30 or 30 days after receipt from the department whichever is later. Municipalities which fail to timely file the report shall pay a penalty to the state in the amount of \$100 for each day that the report is not timely filed.

10 Revenue Sharing. Amend RSA 31-A:4, I to read as follows:

I. Its 1978 distribution under RSA 31-A plus its share under the equalized formula of an annual increase of 5 percent in the previous year's aggregate distribution, through the year 1981, excluding revenue derived from RSA 77-A:20. *The amount of money which is removed from the formula for deposit in the education trust fund shall not affect the remaining municipal revenue sharing distribution. The same amount distributed to each municipality in fiscal year 1998, excluding the amount apportioned to the school district in the 1998 property tax calculations, shall be distributed to each municipality in fiscal year 1999 and each year thereafter until the legislature revises the formula or provides additional appropriations that will affect the distribution amount.*

11 New Subdivision; Property Tax Transition Grant. Amend RSA 31-A by inserting after section 6 the following new subdivision:

### Property Tax Transition Grant

31-A:7 Intent. The general court recognizes the obligations of municipal governments to provide necessary and desirable services to their citizens, including new or expanded programs, and hereby finds that to the extent that changes in state tax policy could have the effect of unduly limiting municipal governments in carrying out their obligations, it is appropriate to provide encouragement and support to those political subdivisions in the form of grants. The general court further recognizes that the hardships attendant to increased taxes that are placed on low income residents and those providing shelter and services to those citizens result in increased burdens on municipal governments in a number of ways including but not limited to difficulty or impossibility of funding new or expanded programs, fewer housing starts and rental property construction for people of modest means, and less disposable income being available to the elderly and poor, thereby creating a greater need for municipal assistance. Therefore, the general court finds it to be in the interest of the public weal to establish a property tax transition grant program to ameliorate, in part, such adverse consequences.

31-A:8 Definitions. In this subdivision:

- I. "Commissioner" means the commissioner of the department of revenue administration.
- II. "Municipality" means a city, town or unincorporated place.
- III. "Municipal per capita income" means per capita income as reported by the department of revenue administration for each New Hampshire municipality.
- IV. "State per capita income" means per capita income as reported by the department of revenue administration for the state of New Hampshire.

31-A:9 Determination of Transition Grant.

I. The commissioner on or before October 1 shall determine the amount of property tax transition grant for each municipality for the following fiscal year as follows:

- (a) Divide the municipal per capita income for a municipality by state per capita income.
- (b) Subtract 0.6 from the product in subparagraph (a);
- (c) If the result of the subtraction in subparagraph (b) results in an amount less than 0 substitute 0;

(d) Divide the result of the calculation in subparagraph (c) by 4 and subtract the result from 1.0;

(e)(i) If the municipality's weighted average daily membership in residence as defined in RSA 198:38, VII is greater than 9, multiply the result in subparagraph (d) by the amount of the municipality's excess education property tax payment determined pursuant to RSA 198:50, I; or

(ii) If the municipality's weighted average daily membership in residence as defined in RSA 198:38, VI is less than 10, multiply the average of the result in subparagraph (d) for all municipalities whose weighted average daily membership in residence as defined in RSA 198:38, VII is greater than 9 by the amount of the municipality's excess education property tax payment determined pursuant to RSA 198:50, I.

II. The amount in subparagraph I(e) shall not exceed the amount of excess education property tax determined pursuant to RSA 198:50 for the municipality for the corresponding tax year.

31-A:10 Distribution. Upon certification to the state treasurer by the commissioner, distribution of the property tax transition grants determined in RSA 31-A:9 shall be made by the state treasurer from sums appropriated therefor from the general fund. For the fiscal year ending June 30, 2000, such distribution shall be made on June 15, 2000. For fiscal years ending after June 30, 2000, such distribution shall be made at the time or times other payments are returnable to the municipalities pursuant to this chapter.

31-A:11 Biennial Review. The legislature shall biennially review the circumstances of municipalities relative to the intent of this subdivision to determine the need for providing assistance to such municipalities and shall adjust the amounts provided herein as it deems prudent.

12 Board of Tax and Land Appeals; Authority. Amend RSA 71-B:5, II to read as follows:

II.(a) To hear and determine ~~any~~ appeals *by municipalities* relating to the ~~[equalization of valuation performed]~~ *equalized valuation of property determined* by the commissioner of revenue administration pursuant to RSA 21-J:3, XIII. Any ~~[town]~~ *municipality* aggrieved by ~~[an]~~ *its* equalized valuation as determined by the commissioner of revenue administration must appeal to the board in writing within ~~[30]~~ *20* days of ~~[the town's notification]~~ *notice* of ~~[the]~~ *its final* equalized valuation by the commissioner. *The board shall hear and make a final ruling on such appeal within 45 days of its receipt by the board. The board's decision on such appeal shall be final*

*pending a decision by the supreme court. Such appeal shall be filed with the clerk of the supreme court within 20 days after the date the decision is mailed by the board to the municipality. The supreme court shall give any appeal under this section priority in the court calendar.*

*(b) Decisions by the supreme court on appeals made under subparagraph (a) that are issued prior to September 1 shall be used by the commissioner of revenue administration in determining the taxes to be raised by each municipality.*

*(c) Decisions by the supreme court on appeals made under subparagraph (a) that are issued after September 1 shall be used by the commissioner of revenue administration in determining the taxes to be raised in the tax year commencing April 1 of the second succeeding year. Any adjustments that need to be made to a municipality's tax rate based on a decision by the supreme court under this subparagraph shall be made by the commissioner of revenue administration in the tax year commencing April 1 of the succeeding year.*

13 New Paragraph; Order for Reassessment. Amend RSA 71-B:16, IV to read as follows:

IV. When a complaint is filed with the board alleging that all of the taxable real estate or taxable property in a taxing district should be reassessed or newly assessed for any reason, provided that such complaint must be signed by at least 50 property taxpayers or 1/3 of the property taxpayers in the taxing district, whichever is less[-]; **or**

**V. When the commissioner of revenue administration files a petition with it pursuant to RSA 21-J:3, XXV.**

14 New Section; Inventory of Property Transfers. Amend RSA 74 by inserting after section 17 the following new section:

74:18 Inventory of Property Transfers.

I. In order to properly equalize the value of property under RSA 21-J:3, XIII, an inventory of property transfers shall be filed with the department of revenue administration and with the municipality where the property is located for each transfer of real estate or interest in real estate. Each form may include the following information:

(a) The buyer and seller's names and post transaction addresses and the name and address of a contact person if the buyer or seller is a trust or corporation.

(b) A description of the exact location of the property by town, street, and the assessor's map, lot, and block number.

(c) The acreage included in the sale.

(d) An accurate description of the property included in the sale, the neighborhood where the property is located, and the type and style of the property sold.

(e) The buyer's ownership interest in the property.

(f) The sale price, date of transfer, and the amount mortgaged.

(g) The description of the type of transfer that has taken place.

(h) The amount of personal property included in the sale price.

(i) Whether the property was previously occupied and whether the property will serve as the buyer's primary residence.

(j) The financing arrangements made to purchase the property to be answered at the option of the buyer.

(k) Whether any concessions were made in the sale.

(l) Whether the property was in current use.

(m) Whether land use taxes were considered in the sale.

(n) The buyer's dated signature certifying that the information indicated on the form is true.

II. The inventory of property transfers required by this section shall be filed with the department of revenue administration and with the municipality where the property is located by the purchaser, grantee, assignee, or transferee, no later than 30 days from the recording of the deed at the register of deeds or transfer of real estate, whichever is later. Persons required to file the inventory of property transfers who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. No deed, recording a transfer of real estate or any interest in real estate, executed before October 1, 1995, shall be required to comply with this section.

IV. Failure to comply with this section shall not be construed to cloud title.

V. Any information provided to the department or the municipality pursuant to this section shall be exempt from the right-to-know law, RSA 91-A.

15 Education Property Tax. RSA 76:3 is repealed and reenacted to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of \$8.00 on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F. On or before October 1 of the tax year the commissioner of revenue administration shall equalize the rate of taxation for each municipality, except municipalities which have undergone a total revaluation of taxable property within the prior year, by multiplying the uniform rate by the municipality's equalization ratio determined according to RSA 21-J:9-a.

16 What Taxes Assessed. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the [state] *commissioner of revenue administration* and county treasurers respectively; all taxes duly voted in their towns; and all school[, ~~schoolhouse,~~] and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33.

17 Commissioner's Warrant. RSA 76:8 is repealed and reenacted to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall annually calculate the proportion of education property tax to be raised by each municipality by multiplying the equalized uniform education property tax rate or full value rate in RSA 76:3 by the total assessed value of all taxable property in the municipality except property taxable under RSA 82 or RSA 83-F.

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality at the time of the setting of the tax rate directing them to assess such sum and pay it to the municipality for the use of the school district or districts and, if there is an excess education tax payment due pursuant to RSA 198:50, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

18 Commissioner's Report. RSA 76:9 is repealed and reenacted to read as follows:

76:9 Commissioner's Report. The commissioner of revenue administration shall report to the governor, the speaker of the house of representatives, the president of the senate, and the commissioner of education each year on or before October 1, a statement of the education property tax warrants to be issued for the tax year commencing April 1 of the succeeding year.

19 Information Required. Amend RSA 76:11-a, I to read as follows:

I. The tax bill which is sent to every person taxed, as provided in RSA 76:11, shall show the rate for municipal, [school] *local education, state education*, and county taxes separately, the assessed valuation of all lands and buildings for which said person is being taxed, and the right to apply in writing to the selectmen or assessors for an abatement of the tax assessed as provided under RSA 76:16. The department of revenue administration shall compute for each town and city the rates which are to appear on the tax bills and shall furnish the required information to the appropriate town or city.

20 Business Profits Tax; Rate Increased. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [7] 8 percent upon the taxable business profits of every business organization.

21 Business Profits Tax; New Section: Distribution. Amend RSA 77-A by inserting after section 20 the following new section:

77-A:20-a Distribution of Funds.

I. The commissioner shall determine the additional amounts of revenue produced by an increase of one percent in the rate of tax imposed by RSA 77-A:2 and the repeal of the credit for business enterprise taxes paid under RSA 77-A:5, X for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.

II. The commissioner shall make quarterly estimates of the amount of additional revenues that will be produced by the increase in tax rate and the repeal of the credit for the next fiscal year and shall certify such amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1 and March 1 of each year.



22 New Section; Tobacco Tax. Amend RSA 78 by inserting after section 31 the following new section:

78:32 Distribution of Funds.

I. The commissioner shall determine the additional amount of revenue produced by any additional tax in excess of 37 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state imposed by RSA 78:7 and shall certify such amount to the state treasurer by October 1 of each year for deposit in the education trust fund established by RSA 198:39.

II. The commissioner shall make quarterly estimates of the amount of additional revenues that will be produced by such increase in tax rate for the next fiscal year and shall certify such amount to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1 and March 1 of each year.

23 Transfer Tax; Rate. RSA 78-B:1, I(b) is repealed and reenacted to read as follows:

(b) The rate of the tax is \$.50 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$20. The tax imposed shall be computed to the nearest whole dollar.

24 Transfer Tax; Rate. RSA 78-B:1, I(b) is repealed and reenacted to read as follows:

(b) The rate of the tax is \$.75 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$20. The tax imposed shall be computed to the nearest whole dollar.

25 New Section; Transfer Tax; Distribution of Funds. Amend RSA 78-B by inserting after section 12 the following new section:

78-B:13 Distribution of Funds.

I. The commissioner shall determine the additional amounts of revenue produced by an increase of \$.25 per \$100 in the rate of tax imposed by RSA 78-B:1 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.

II. The commissioner shall make quarterly estimates of the amount of additional revenues that will be produced by the increase in tax rate for the next fiscal year and shall certify such amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1 and March 1 of each year.

26 New Chapter; Utility Property Tax. Amend RSA by inserting after chapter 83-E the following new chapter:

## CHAPTER 83-F UTILITY PROPERTY TAX

83-F:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Department" means the department of revenue administration.

III. "Taxable period" means the period beginning April 1, and ending March 31 of the following year.

IV. "Utility property owner" means any person, partnership, limited liability company, association, corporation or other entity, their trustees or receivers appointed by any court, owning utility property.

V. "Utility property" means all real estate, buildings and structures, machinery, dynamos, apparatus, poles, wires, fixtures of all kinds and descriptions, and pipe lines located within New Hampshire employed in the generation, production, supply, distribution, transmission, or transportation of electric power or natural gas, crude petroleum and refined petroleum products or combinations thereof, water, or sewage subject to tax under RSA 72:6, 72:7 and 72:8; provided that no electric power fixtures which would otherwise be taxed under this chapter shall be taxed under this chapter if they are employed solely as an emergency source of electric power. "Utility property" shall not include:

(a) Water and air pollution control facilities exempt from local property taxation under RSA 72:12-a; and

(b) Any other property which is not subject to local property taxation.

83-F:2 Tax Imposed. For taxable periods beginning April 1, 1999, a tax is imposed upon the value of utility property at the rate of \$8.00 on each \$1000 of such value, to be assessed annually as of April 1, and every year thereafter, and paid in accordance with this chapter.

83-F:3 Determination of Value. On or before December 1 of the tax year, the commissioner shall determine the value of utility property for the purposes of this chapter by appraising such property at its full and true value. Notice of such determination shall be given to the taxpayer within 15 days of the commissioner's determination.

83-F:4 Persons Liable. The tax imposed by this chapter shall be assessed upon each person with an ownership interest in utility property, in the proportion that such person's ownership interest bears to the entirety of the ownership in the property.

83-F:5 Returns and Declarations.

I. On or before January 15 each year, each utility property owner shall file with the commissioner of revenue administration, on a form prescribed by the commissioner, a return based on the valuation for April 1 of the prior year. The return shall be accompanied by the payment of such amount as has not been prepaid in accordance with paragraph III of this section. If the return shows an additional amount to be due, such additional amount is due and payable at the time the return is filed. If such return shows an overpayment of the tax due, a credit against a subsequent payment or payments due, to the extent of the overpayment, shall be allowed.

II. On or before April 15 of each year, each utility property owner liable to pay the tax imposed by this chapter shall file with the department, on a form prescribed by the commissioner, a statement setting forth the amount of such person's ownership interest as of April 1. The statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury.

III. For taxable periods ending before April 1, 2000, each utility property owner liable to pay the tax shall, in addition, file a declaration on or before July 1, 1999 of the estimated tax to be assessed as of April 1 in the current taxable period, based on the equalized value of utility property used in the department's equalization report for April 1, 1998 accompanied by payment of 1/3 of the estimated tax due. Additional payments of 1/3 of the estimated tax shall be made on September 15, 1999 and December 15, 1999.

IV. For taxable periods ending after March 31, 2000, at the time the statement required by paragraph II is filed, each person liable for the tax shall, in addition, file a declaration of the estimated tax to be assessed as of April 1 in the current taxable period, based on the tax assessed for the preceding taxable year, accompanied by payment of 1/4 of the estimated tax due. Additional payments of 1/4 of the estimated tax shall be made on June 15, September 15 and December 15.

V. As of June 1 of each year the principal owner of utility property shall file a list of the changes made to the utility property since the prior April 1. This statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury.

VI. Taxes and estimated taxes not paid when due shall be subject to appropriate penalties and interest under RSA 21-J.

83-F:6 Records.

I. Every person liable for tax under RSA 83-F:4 shall:

(a) Keep such records as may be necessary to determine the amount of such person's liability under this chapter.

(b) Preserve such records for the period of at least 3 years or until any litigation or prosecution under this chapter is finally determined.

(c) Make such records available for inspection by the commissioner or authorized agents, upon demand, at reasonable times during regular business hours.

II. Whoever violates any of the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

83-F:7 Administration.

I. The commissioner shall collect the taxes, interest, additions to tax and penalties imposed under this chapter. The commissioner shall determine the expense of administration of this chapter and shall certify and pay over to the state treasurer for deposit in the education trust fund established by RSA 198:39 the amount of remaining balance of the funds collected under this chapter after the expenses of administration have been deducted.

II. The commissioner is authorized to contract for the services of utility appraisers as needed for the proper administration of this chapter. Such contract expenses shall be deemed an expense of administration.

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The administration of the tax imposed under RSA 83-F:2;
- (b) The valuation of utility property required under RSA 83-F:3; and
- (c) The recovery of any tax, interest on tax, or penalties imposed by this chapter.

IV. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax or the penalties imposed by this chapter.

V. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to the commissioner. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

83-F:8 Appeals. Utility property taxpayers aggrieved by the determination by the commissioner of the value of utility property pursuant to RSA 83-F:3 may appeal such valuation within 30 days of notification of such determination to the board of tax and land appeals or the superior court of the county in which the taxpayer resides or has a place of business. Appeals other than appeals of valuation shall be made according to the procedure and subject to the time limits provided for other taxes administered by the department under RSA 21-J.

83-F:9 Exemption from Local Taxation. Persons and property subject to taxation under this chapter shall not be subject to tax under RSA 76:3; provided, however, that nothing in this chapter shall be construed to exempt such persons or property from local school, municipal, district or county taxation under RSA 76.

27 Extent. Amend RSA 85:1 to read as follows:

85:1 Who May Issue. The state treasurer *or the commissioner of revenue administration*, and each county and town treasurer, may issue extents under their hands and seals respectively, in cases authorized by law, and such extents shall be deemed to be executions against the person and property.

28 Cooperative School Districts; Adequate Education Grants. Amend the introductory paragraph of RSA 195:7, I to read as follows:

I. If a cooperative school district was organized prior to July 1, 1963, during the first 5 years after the formation of a cooperative school district each preexisting district shall pay its share of all capital outlay costs and *all operational costs in excess of the amount determined necessary to provide an adequate education under RSA 198:42, 1(a)* in accordance with either one of the following formulas as determined by a majority vote of the cooperative district meeting:

29 Cooperative School Districts; Adequate Education Grants. Amend RSA 195:14, I(b) to read as follows:

(b) The commissioner of revenue administration shall examine such certificates and delete any appropriations which appear not made in accordance with the law, and adjust any sum, in accordance with RSA 21-J:35, which may be used as a setoff against the amount appropriated when it appears to the commissioner of revenue administration such adjustment is in the best public interest. *The commissioner of revenue administration shall apply the total amount of all adequate education grants received pursuant to RSA 198:43.*

30 Cooperative School Districts; Adequate Education Grants. Amend RSA 195:18, III(e) to read as follows:

(e) The method of apportioning ~~the~~ *all* operating expenses *in excess of the amount determined necessary to provide an adequate education under RSA 198:42, 1(a)*, of the cooperative school district among the several preexisting districts and the time and manner of payment of such shares. Home education pupils who do not receive services from the cooperative school district, except an evaluation pursuant to RSA 193-A:6, II shall not be included in the average daily membership relative to apportionment formulas.

31 Cooperative School Districts; Adequate Education Grants. Amend RSA 195:18, IX to read as follows:

IX. The organization meeting of a cooperative school district shall be called to order by the chairperson of the cooperative school district planning board, or by the clerk-treasurer thereof, who shall serve as temporary chairperson for the first order of business which shall be the election of a moderator and of a temporary clerk, by ballot, who shall be qualified voters of the district. From

and after the issuance of the certificate of formation by the board to the date of operating responsibility of the cooperative school district, such district shall have all the authority and powers of a regular school district for the purposes of incurring indebtedness, for the construction of school facilities and for such other functions as are necessary to obtain proper facilities for a complete program of education. When necessary in such interim, the school board of the cooperative school district is authorized to prepare a budget and call a special meeting of the voters of the district, which meeting shall have the same authority as an annual meeting, for the purpose of adopting the budget, making necessary appropriations, and borrowing money. Whenever the organization meeting is held on or before April 20 in any calendar year, no annual meeting need be held in such calendar year. Sums of money raised and appropriated at the organization meeting or any interim meeting prior to the first annual meeting shall be forthwith certified to the commissioner of revenue administration and the state department of education upon blanks prescribed and provided by the commissioner of revenue administration for the purpose, together with a certificate of estimated revenues, so far as known, and such other information as the commissioner of revenue administration may require. The commissioner of revenue administration shall examine such certificates and delete any appropriations which appear not made in accordance with the law, and adjust any sum which may be used as a setoff against the amount appropriated when it appears to the commissioner such adjustment is in the best public interest. ***The commissioner of revenue administration shall apply the total amount of all adequate education grants received pursuant to RSA 198:43, as a setoff against the amount appropriated.*** The commissioner of revenue administration shall certify to the state department of education the total amount of taxes to be raised for said cooperative school district and the state department of education shall determine the proportional share of said taxes to be borne by each preexisting school district and notify the commissioner of revenue administration of its determination. Upon certification by the commissioner of revenue administration the selectmen of each town shall seasonably assess the taxes as provided by law. The selectmen shall pay over to the treasurer of the cooperative district such portion of the sums so raised as may reasonably be required according to a schedule of payments needed for the year as prepared by the treasurer and approved by the cooperative school board, but no such payment shall be greater in percentage to the total sum to be raised by one local district than that of any other local district comprising such cooperative school district.

32 New Subdivisions; Education Trust Fund; Excess Tax Payment. Amend RSA 198 by inserting after section 37 the following new subdivisions:

#### Education Trust Fund

198:38 Definitions. In this subdivision:

I. "Adjusted per pupil adequate education cost" means the amount determined by the legislature as provided by RSA 198:41 adjusted by multiplying such sum by the total average daily membership in residence for the state and dividing the product of such multiplication by total weighted average daily membership in residence for the state.

II. "Adequate education grant" means the total amount of the annual grant calculated according to RSA 198:42 by the department and made to a municipality by the state from the education trust fund.

III. "Average daily membership in residence" means "average daily membership in residence" as defined in RSA 189:I-d, IV, except that no kindergarten pupil shall count as more than ½ day attendance per calendar day.

IV. "Elementary pupil" means a pupil in grades kindergarten through 8.

V. "Municipality" means a city, town or unincorporated place.

VI. "School district" means "school district" as defined in RSA 194:1 or RSA 195:1.

VII. "Weighted average daily membership in residence" means average daily membership in residence adjusted for weighted pupils.

VIII. "Weighted pupil" means a resident pupil who has been assigned to one of the following classifications, based on the type of education the pupil received. The weights assigned to a high school pupil and to a high school pupil enrolled in a state approved vocational program reflect the differences in educational costs between these classifications when compared to the average current operating expenditure to educate a resident elementary pupil. The weights assigned to an educationally disabled child reflect the differences in education costs among the classifications of educationally disabled children when compared to the average current operating expenditure to

educate a resident pupil in grades kindergarten through 12 who is not educationally disabled and not a high school pupil enrolled in a state approved vocational program. The following classifications of pupils shall carry the following weights:

(a) An elementary pupil, not educationally disabled as defined in RSA 186-C:2, I, which shall include kindergarten pupils, 1.0;

(b) A high school pupil, not educationally disabled as defined in RSA 186-C:2, I and not enrolled in a state approved vocational program, 1.21;

(c) A high school pupil enrolled in a state approved vocational program, 2.01;

(d) An educationally disabled child as defined in RSA 186-C:2, I, in one of the following types of programs:

(1) In-district, placed within a self-contained special education classroom, 2.57;

(2) In-district, without placement in a self-contained special education classroom, 2.12;

(3) An out-of-district day placement, 7.08;

(4) A residential placement, 8.72;

(5) A pre-school day placement, 3.37;

(e) The weight of each pupil participating in the free and reduced school lunch program shall be the amount shown in subparagraphs (a)-(d), multiplied by 1.1.

198:39 Education Trust Fund Created. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities pursuant to RSA 198:43. The state treasurer shall deposit into this fund immediately upon receipt:

I. Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 77-A:20-a, relative to business profits taxes.

II. Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 78:32, relative to tobacco taxes.

III. Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 78-B:13, relative to real estate transfer taxes.

IV. Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 83-F:7, I, relative to the utility property tax.

V. The full amount of excess education property tax payments from the department of revenue administration pursuant to RSA 198:50.

VI. All moneys due the fund in accordance with RSA 284:21-j, relative to sweepstakes.

VII. Tobacco settlement funds.

VIII. The school portion of any revenue sharing funds distributed pursuant to RSA 31-A:4 which were apportioned to school districts in the property tax rate calculations in 1998.

IX. Any other moneys appropriated from the general fund.

198:40 Investment of Fund. The fund shall be nonlapsing. The treasurer shall invest that part of the fund which is not needed for immediate distribution in short-term interest-bearing investments. The income from these investments shall be returned to the fund.

198:41 Determination of Per Pupil Adequate Education Cost.

I. For the biennium beginning July 1, 1999, the cost shall be \$4,130.

II. For the biennium beginning July 1, 2001, and every biennium thereafter, the cost per pupil shall be established by the general court.

198:42 Determination of Adequate Education Grant.

I. The department of education shall determine the amount of the adequate education grant for each municipality as follows:

(a) Multiply the adjusted per pupil adequate education cost by the weighted average daily membership in residence for the municipality as reported on December 31 pursuant to RSA 198:46;

(b) Subtract the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

II. The department shall determine the grant in paragraph I for each municipality by October 1 of each year for the state's fiscal year following.

198:43 Distribution Schedule of Adequate Education Grant. The adequate education grant determined in RSA 198:42 shall be distributed to each municipality from the education trust fund in 4 equal payments on July 1, September 1, January 1, and April 1 of each school year. The depart-

ment shall certify the amount of each grant to the state treasurer and direct the payment thereof to the municipality. Each municipality receiving a payment shall, within 10 days of receipt, pay the money over to the municipality's school district or districts.

198:44 Additional Education Expenditures. Nothing in this subdivision shall prevent school districts from adopting budgets which authorize expenditures in excess of those supported with funds from the education trust fund.

198:45 Maintenance of Local Control. Distributions under RSA 198:43 depend only on weighted average daily membership in residence and the per pupil adequacy cost amounts as determined in this subdivision and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Municipalities may designate one or more school districts to directly receive their grants by filing a revocable notice of such designation with the state treasurer. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets.

198:46 Duties of the Department of Education and the Board of Education.

I. The department of education shall on or before September 30, of each year, collect from the school districts final data concerning all aspects of student attendance for the school year ending June 30, of that year, necessary to establish the average daily membership, average daily membership in residence, and weighted average daily membership in residence, including the municipality of residence for each pupil for that year. The department of education shall submit a report by December 31 to the speaker of the house of representatives and the senate president to be used for purposes of determination by the legislature of the appropriation to the education trust fund. A copy of such report shall, at the same time, be given to the department of revenue administration.

II. The board of education shall adopt rules necessary for the proper administration of this subdivision.

198:47 Submission of Data by School Districts. Every school district shall submit all attendance information required by the department of education under this subdivision on or before September 30 of each year. A \$1,000 per day penalty shall be imposed on any school district that fails to submit attendance data in the time required by law unless waived for good cause by the commissioner of education. School districts penalized under this section shall not charge such penalty to the municipality or municipalities.

198:48 Legislative Oversight Committee.

I. An oversight committee shall be established consisting of:

- (a) The chairperson of the house education committee, or a designee.
- (b) The chairperson of the senate education committee, or a designee.
- (c) Three members of the house of representatives, appointed by the speaker of the house.
- (d) Three members of the senate, appointed by the senate president.
- (e) The chairperson of the house finance committee, or a designee.
- (f) The chairperson of the senate finance committee, or a designee.

II. The chair of the oversight committee shall rotate biennially between the chairperson of the house finance committee and the chairperson of the senate finance committee. The first chairperson shall be the chairperson of the house finance committee. A member shall only serve while a member of the general court. The members shall not be compensated but shall receive mileage at the legislative rate when carrying out their duties.

III. The oversight committee shall examine the goals, purposes, organization, operation, and financing of the state's program to provide a constitutionally adequate education, and it shall evaluate and make recommendations for the continued provisions and improvement of the program. Among the initial issues the committee shall consider and examine are:

- (a) The so-called "market basket" approach to determining the cost of an adequate education;
- (b) The appropriateness of a fixed or variable statewide property tax rate; and
- (c) Methods for accelerating the collection and reporting of average daily membership in residence data, and improving the accuracy of such data as it originates from the initial reporting source.

IV. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy.

V. The oversight committee shall submit a report to the general court by November 1, of each odd-numbered year. Copies of the report shall be submitted to the governor, the senate finance and

education committees, the house finance and education committees, the department of education, the department of revenue administration and to any other individual or organization as the committee deems advisable.

### Excess Tax Payment

198:49 Definition. In this subdivision "commissioner" means the commissioner of the department of revenue administration.

198:50 Excess Education Property Tax Payment.

I. Municipalities whose education property tax or education property tax plus adequate education grant exceeds the amount necessary to fund an adequate education determined by RSA 198:42, I(a) shall collect and remit such excess amount to the department of revenue administration on or before March 15, of the year following the close of the tax year in which the excess occurs.

II. The amount of such excess to be remitted shall not include any income derived from the investment of funds by the town treasurer under RSA 41:29. Any funds remaining after full payment of the excess tax required in paragraph I shall become available for the unrestricted use by the municipality.

III. The commissioner shall collect from the selectmen the excess tax and pay over to the state treasurer the amount of funds collected under this subdivision for deposit in the education trust fund established by RSA 198:39.

198:51 Rulemaking; Forms.

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this subdivision.

II. The commissioner shall approve and provide forms relative to the reporting and remitting of excess education property tax by municipalities.

33 Reference Change. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and ~~[RSA 198:27-37]~~ **adequate education grants under RSA 198:42.**

34 Reimbursement Anticipation Notes; Version Effective Until July 1, 1999. Amend RSA 198:20-d to read as follows:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district may incur debt in anticipation of reimbursement under RSA 186-C:18, **and a municipality may incur debt in anticipation of reimbursement under RSA 198:43.** The governing body, after receiving authorization for borrowing from the legislative body, may elect to recognize the proceeds of the borrowing as revenue for property tax rate setting purposes by providing written notification, prior to September 1, to the commissioner of the department of revenue administration stating the specific amount of borrowing to be recognized as revenue.

35 Reimbursement Anticipation Notes; July 1, 1999 Version. Amend RSA 198:20-d to read as follows:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district may incur debt in anticipation of reimbursement under RSA 186-C:18 **and a municipality may incur debt in anticipation of reimbursement under RSA 198:43.** The governing body, after notice and public hearing, may elect to borrow such funds and to recognize the proceeds of the borrowing as revenue for property tax rate setting purposes by providing written notification to the commissioner of the department of revenue administration stating the specific amount of borrowing to be recognized as revenue. Any borrowing under this section shall be exempt from the provisions of RSA 33, relative to debt limits.

36 Sweepstakes. RSA 284:21-j is repealed and reenacted to read as follows:

284:21-j Establishment. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA 198:39.

37 Transition. As of July 1, 1999, all funds, from any source derived, which would be distributed as foundation aid and any funds, from any source derived, which would be distributed as kindergarten aid shall be deposited in the education trust fund under RSA 198:39.

38 Tobacco Settlement Funds. For the fiscal year ending June 30, 2000, \$13,000,000 and for the fiscal year ending June 30, 2001, \$6,000,000 of funds received in each of those fiscal years by the state of New Hampshire as a result of the settlement in 1998 of litigation against tobacco companies shall be deposited in the education trust fund established in RSA 198:39. The governor is authorized to draw a warrant for said sums out of funds received by the state from settlement of the tobacco litigation.

39 Removing Reference to Foundation Aid. Amend RSA 198:21, V to read as follows:

V. No pupil counted by any school district for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be ~~[included in average daily membership for the purposes of foundation aid or]~~ counted for the purposes of grants pursuant to RSA 198:22.

40 Removing Reference to Foundation Aid. Amend RSA 198:22, V to read as follows:

V. No pupil counted by any school for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be ~~[included in average daily membership for the purposes of foundation aid or]~~ counted for the purpose of grants pursuant to RSA 198:21.

41 Payment in Lieu of Taxes. Amend RSA 227-H:17 to read as follows:

227-H:17 Payment in Lieu of Taxes. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to forms for application to the commissioner of revenue administration for payment for lost taxes. ~~[In any year in which no state tax is levied;]~~ Any town in which national forest lands and land held by the state for operation and development as state forestland, as defined by the department for the purposes of this section, are situated, whether acquired by gift, devise, purchase, or in any other manner, may apply, by its selectmen, to the commissioner of revenue administration on forms provided by the commissioner, annually before September 1, for the payment of an amount not exceeding the taxes for all purposes which such town might have received from taxes on such lands in such year had such lands been taxable. In the event that the amount appropriated in any biennium shall be insufficient for the purposes under this section, then the towns entitled to benefits under this section shall be reimbursed proportionately, unless otherwise subsequently ordered by the legislature.

42 Franchise Tax; Reference to Credit for Taxes Paid. Amend RSA 83-C:2-a to read as follow:

83-C:2-a Credit for Business Enterprise Tax. The tax imposed under RSA 77-E shall be allowed as a credit against the taxes due under this chapter ~~[and shall be deemed to be taxes paid pursuant to this chapter for the purposes of RSA 77-A:5, I. To the extent the credit for taxes paid pursuant to RSA 77-E exceeds the taxes imposed under RSA 77-E and shall be allowed as a credit against the taxes due under RSA 77-A as provided by RSA 77-A:5, X].~~

43 Insurance; Premium Tax; Reference to Credit for Taxes Paid. Amend RSA 400-A:34-a to read as follows:

400-A:34-a Credit for Business Enterprise Tax. The tax imposed under RSA 77-E shall be allowed as a credit against the taxes due under this chapter ~~[and shall be deemed to be taxes paid pursuant to this chapter for the purposes of RSA 77-A:5, III. Any insurer subject to taxation under this chapter shall first apply such credits as provided in this section, and then pursuant to RSA 77-A:5, X].~~ The taxes paid pursuant to RSA 77-E by an individual member of a unitary business within the meaning of RSA 77-A:1, XIV shall be allowed as a credit against any other individual member's liability under this chapter. ~~[To the extent the credit for taxes paid pursuant to RSA 77-E exceeds the taxes imposed under this chapter, such excess shall be deemed to be taxes imposed under RSA 77-E and shall be allowed as a credit against the taxes due under RSA 77-A as provided by RSA 77-A:5, X;]~~

44 1999 Semi-annual Rate for Property Tax Payments.

I. Notwithstanding the provisions of RSA 76:15-a and RSA 76:15-b for the tax year beginning April 1, 1999, in municipalities liable for an excess statewide education property tax payment pursuant to RSA 198:50, the partial payment of taxes assessed shall be computed by taking the prior year's assessed valuation times  $\frac{1}{2}$  of the previous year's municipal tax rate;  $\frac{1}{2}$  of the previous year's county tax rate;  $\frac{1}{2}$  of the previous year's local school tax rate; and adding thereto  $\frac{1}{2}$  of the statewide education property tax rate which would collect the amount to be collected and remitted



for tax year 1999 under RSA 198:50, III, as determined by the department of revenue administration; provided, however, that whenever it shall appear to the selectmen or assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal in place of the prior year's valuation to compute the partial payment.

II. Notwithstanding the provisions of RSA 76:15-a and RSA 76:15-b for the tax year beginning April 1, 1999, in all other municipalities, the partial payment of taxes assessed shall be computed by taking the prior year's assessed valuation times  $\frac{1}{2}$  of the previous year's municipal tax rate;  $\frac{1}{2}$  of the previous year's county tax rate;  $\frac{1}{2}$  of the previous year's local school tax rate deducting therefrom, if the municipality so chooses,  $\frac{1}{2}$  of the rate which would collect the amount of the increase in state aid from fiscal year 1999 to fiscal year 2000 resulting from the adequate education grant under RSA 198:43 for the 1999 tax year as determined by the department of revenue administration; provided, however, that whenever it shall appear to the selectmen or assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal in place of the prior year's valuation to compute the partial payment.

III. In order to avoid a disproportionate semi-annual collection of taxes, the commissioner of revenue administration may, upon request of a municipality, approve the use of a different method to calculate that municipality's 1999 semi-annual property tax rate.

45 Special Transition Rules. The following special transition rules shall apply to the implementation of this act in the first fiscal year following enactment:

I. The commissioner of education shall use weighted average daily membership in residence as defined in RSA 198:38, VII established on or before June 30, 1998 in all calculations required by RSA 198:42, I.

II. For the school year 1999/2000, the adequate education grant determined in RSA 198:42 shall be distributed to each municipality from the education trust fund in 4 payments as follows:

(a) On July 1, 1999, and September 1, 1999,  $\frac{1}{4}$  the total adequate education grant;

(b) On January 1, 2000 and April 1, 2000,  $\frac{1}{4}$  the total adequate education grant. The department shall certify the amount of each grant to the state treasurer and direct the payment thereof to the municipality.

III. Notwithstanding any other provision of law, the commissioner of revenue administration shall for the April 1, 1999 tax year issue the warrants required by RSA 76:8 on or before 30 days after passage of this act.

IV. Notwithstanding any other provision of law, the commissioner of education shall determine the amount of the adequate education grant for each municipality pursuant to RSA 198:42 for the 1999/2000 school year on or before 30 days after the effective date of this section.

V. Notwithstanding the provisions of RSA 76:11-a, I, the governing body of any municipality may choose to combine the local and state education property tax rates on the tax bill.

VI. Notwithstanding any other provision of law, for any taxpayer required to pay utility property tax directly to the state for deposit in the education trust fund pursuant to RSA 83-F, the selectmen or assessors shall abate the state education property tax amount shown on any tax bill sent to such taxpayer pursuant to RSA 76:11-a, I.

46 Position Established; Appropriations.

I. To carry out the financial and educational reporting requirements of this act, there is hereby established within the department of education a full-time temporary position of systems development specialist IV, labor grade 25, for the 15-month period ending June 30, 2000.

II. The sum of \$69,500 is hereby appropriated from the education trust fund created under RSA 198:39 for the fiscal year ending June 30, 2000 to the department of education to fund the position created in paragraph I, including salary, benefits, rent, supplies, and travel.

III. The sum of \$5,180,000 for the fiscal year ending June 30, 2000, is hereby appropriated to the department of revenue administration to reimburse municipalities for the increased administrative costs necessary to carry out the financial purposes of this act in accordance with part I, article 28-a of the New Hampshire constitution. The amount to be distributed to each municipality shall be determined according to the proportion of state property tax assessed by such municipality to the total state property tax assessed. Such amount shall be distributed on or before September 30, 1999. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

IV. The sum of \$2,000,000 for the biennium ending June 30, 2001, is hereby appropriated to the department of revenue administration to fund the costs necessary to implement this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

V. The sum of \$100,000 for the biennium ending June 30, 2001 is hereby appropriated from the education trust fund created under RSA 198:39 to the department of education to fund the costs necessary to upgrade school districts' computer systems to carry out the reporting responsibilities of this act.

VI. The sum of \$323,594,808 is hereby appropriated from the education trust fund created under RSA 198:39 to the department of education for each year of the biennium ending June 30, 2001 for the purpose of funding the requirements of RSA 198:43.

VII. It is the intent of the state to appropriate a sum certain to reimburse municipalities for the costs of additional hardware and software necessary to implement the provisions of this act.

47 Special Provision for Foundation Aid. Notwithstanding the repeal pursuant to section 51 of this act of RSA 198:27-37, relative to foundation aid and alternative foundation aid, the payment of foundation aid which would have been made in April 1999 pursuant to RSA 198:31 before such section was repealed, shall be calculated by the department of education and distributed to the recipients as if such repeal had not occurred.

#### 48 Tax Equity and Efficiency Commission Established.

I. There is established a tax equity and efficiency commission to study issues relating to tax fairness and administrative implementation arising from the passage of this act which may be appropriate for further legislative action.

II. The commission shall consist of the following members:

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives, at least one of whom shall be a member of the finance committee, at least one of whom shall be a member of the municipal and county government committee, at least one of whom shall be a member of the science, technology and energy committee and at least one of whom shall be a member of the education committee. The speaker of the house of representatives may appoint 3 other members, if deemed necessary, as alternates.

(b) Five members of the senate, appointed by the president of the senate.

(c) The governor, or designee.

(d) The commissioner of the department of revenue administration, or designee.

(e) The commissioner of the department of education, or designee.

(f) The state treasurer, or designee.

III. The commission members denominated in subparagraphs II(c) through (f) shall sit ex officio and shall not be entitled to vote on commission business.

IV. The commission shall study issues arising under this act relating to tax fairness and administrative implementation which may be appropriate for further legislative action. As part of its study, the commission shall consider:

(a) The most appropriate means for evaluating the following types of property for taxation purposes:

(1) Utility property.

(2) Railroad property.

(3) Nuclear station property.

(4) Property used to provide telecommunications services.

(b) The proper treatment of tax increment financing districts.

(c) A proposal for a property tax circuit breaker.

(d) Cost of administering a state property tax.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member and shall be held within 30 days of the effective date of this section.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 31, 1999 and on or before March 31, 2000.

49 Applicability; Cigarette Tax. Any increase in the cigarette tax rate in RSA 78:7 over 37 cents adopted and enacted by any act of the 1999-general court shall apply to all persons licensed under

RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of the tax rate increase. The tax rate increase shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

50 Contingency; Constitutional Amendment; Reenactment of Laws.

I. If the voters of the state adopt an amendment to the New Hampshire Constitution, which constitutional amendment substantially relates to the role of the general court in determining the nature of and means for funding public education, then the provisions of this act except as provided in paragraphs II and III shall be without effect as of July 1 following such adoption, and the provisions of the Revised Statutes Annotated affected by this act shall be hereby reenacted as they were in effect on the day before this act became effective. Such reenactment shall not affect any other amendments to any statutory provisions adopted in any other act of the legislature which becomes law.

II. If the voters of the state adopt an amendment to the New Hampshire Constitution, which constitutional amendment substantially relates to the role of the general court in determining the nature of and means for funding public education, then the provisions of this act relative to the education property tax shall be without effect as of April 1 following such adoption, and the provisions of the Revised Statutes Annotated affected by this act shall be hereby reenacted as they were in effect on the day before this act became effective. Such reenactment shall not affect any other amendments to any statutory provisions adopted in any other act of the legislature which becomes law.

III. Notwithstanding the provisions of paragraph I, if a constitutional amendment is adopted pursuant to paragraph I the rate of the real estate transfer tax in RSA 78-B:1, I shall revert to the rate imposed by section 23 of this act, unless specifically amended or repealed by an act of the legislature.

IV. The director of legislative services, upon the proclamation of the adoption of the constitutional amendment pursuant to paragraph I, is hereby authorized to make changes to the Revised Statutes Annotated to conform the Revised Statutes Annotated pursuant to the provisions of paragraph I.

51 Repeal. The following are repealed:

I. RSA 77-A:5, X, relative to the credit against business profits taxes for business enterprise taxes paid.

II. RSA 77-E:13, relative to the application of the credit for business enterprise taxes against business profits taxes.

III. RSA 78:20, relative to the applicability of the tobacco tax.

IV. RSA 78-B:10-a, relative to the real estate transfer questionnaire.

V. RSA 21-J:3, XXIII, relative to the commissioner of revenue administration's duty to determine local per capita income for purposes of foundation aid.

VI. RSA 21-J:13, XI, relative to the form and content of the real estate transfer questionnaire.

VII. RSA 83-D, relative to the tax on nuclear station property.

VIII. RSA 194-B:11, VIII, relative to foundation aid in relation to charter and open enrollment schools.

IX. RSA 198:1-3, relative to required annual district property taxes.

X. RSA 198:15-i – RSA 198:15-q, relative to kindergarten incentive program, kindergarten aid and alternative kindergarten programs.

XI. RSA 198:27-37, relative to foundation aid and alternative foundation aid.

XII. 1998, 389:15, 16, and 17 relative to educational funding commitments and funding for local education betterment.

52 Effective Date.

I. Sections 20, 21, 42, 43 and paragraph I and II of section 51 of this act shall take effect July 1, 1999, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1999. In the case of any business enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 1999, the taxable period shall be deemed to have ended on June 30, 1999, for the purposes of this act.

II. Section 24, 49, and paragraph XII of section 51 of this act shall take effect July 1, 1999.

III. Section 34 of this act shall take effect July 1, 1999 at 12:01 a.m.

IV. Section 15 and paragraph VII of section 51 of this act shall take effect upon its passage, and shall apply to property taxes due for the tax year beginning April 1, 1999.

V. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill creates a state education property tax at a uniform rate to provide support to communities for an adequate education, and establishes a dedicated trust fund, to be funded by revenues from a state utility property tax, a permanently increased real estate transfer tax, and other sources for the purpose of making distributions to municipalities with insufficient property base to raise adequate education funds on their own.

The bill repeals the nuclear station property tax, kindergarten aid and foundation aid and creates a property tax transition grant program in revenue sharing.

Reps. Hess, Konys and Bradley spoke in favor and yielded to questions.

Reps. Mirski, Sapareto, John Pratt, Weyler and Jacobson spoke against.

Reps. Wallin and Torressen spoke against and yielded to questions.

Reps. Clegg and Chandler spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the Hess floor amendment (0926h).

### YEAS 195 NAYS 181

#### YEAS 195

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Rice, Thomas	Rosen, Ralph
Salatiello, Thomas	Thomas, John	Turner, Robert	Wood, Jane

#### CARROLL

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

#### CHESHIRE

Avery, Stephen	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Meador, David	Roberts, William	Rose, William	Royce, H Charles
Russell, Ronald	Smith, Edwin		

#### COOS

Guay, Lawrence	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

#### GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
MacNeil, Allen	Marshall, Gene	Nordgren, Sharon	Picconi, Al

#### HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Cote, David	Coughlin, Pamela	Craig, James
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Gagnon, Eugene	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary

Goulet, Maurice  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
McCarthy, Winston  
Mosher, William  
Pappas, Marc  
Sarette, John  
Thulander, O Alan  
Withee, Dennis

Herman, Keith  
Keye, Harvey  
LaRose, Richard  
Lessard, Rudy  
McGough, Tim  
Nolan-Piteri, Dawn  
Peterson, Andrew  
Sargent, Maxwell  
Turgeon, Roland

Holley, Sylvia  
Konys, Christine  
Lasky, Bette  
Lozeau, Donnalee  
Milligan, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Searles, Stanley, Sr  
\* White, Donald

Jean, Loren  
Kurk, Neal  
Lefebvre, Roland  
Martel, Andre  
Moran, Edward  
O'Hearn, Jane  
Rowe, Robert  
Tate, Joan  
Williams, Carol

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Potter, Frances

Bouchard, Candace  
Langer, Ray  
Reardon, Tara

Hess, David  
Leber, William  
Whalley, Michael

Hoadley, Elizabeth  
Nichols, Avis

### ROCKINGHAM

Arndt, Janet  
Cote, Patricia  
Flanagan, Natalie  
Gibbons, Paul  
Hutchinson, Karen  
Kobel, Rudolph  
Mikowski, Walter  
Noyes, Richard  
Ruffner, Walter  
Verani, Giovanni  
Zolla, William

Belanger, Ronald  
Dalrymple, Janeen  
Flanders, David  
Griffin, Mary  
Johnson, Robert  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman  
Stone, Joseph  
Weare, Everett

Christie, Andrew, Jr  
Dowling, Patricia  
Flanders, John, Sr  
Hamel, Albert  
Katsakiores, George  
Major, Norman  
Nowe, Mary Lou  
Priestley, Anne  
Tufts, J Arthur  
Welch, David

Clark, Vivian  
Fesh, Robert  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Ronald  
Reardon, Neil  
Varrell, Thomas  
Whittier, John

### STRAFFORD

Berube, Roger  
Domingo, Baldwin  
Musler, George  
Torr, Franklin

Brennan, William  
Knowles, William  
Rollo, Michael  
Twardus, Joseph

Brown, George  
Lundborn, Raymond  
Spear, Barbara  
Vincent, Francis

Cossette, Larry  
McKinley, Robert  
Taylor, Kathleen  
Woods, Phyllis

### SULLIVAN

Burling, Peter  
Young, David

Jones, Constance

Kibbey, David

Robb-Theroux, Amy

### NAYS 181

### BELKNAP

Lawton, David  
Wendelboe, Francine

Lawton, Robert

Millham, Alida

Pilliod, James

### CARROLL

Babson, David, Jr  
Torresen, Gary

Dickinson, Howard

Howard, Godfrey

Sullivan, P Judith

### CHESHIRE

Batchelder, Robert  
Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy

Blaisdell, Michael  
Lynott, Margaret  
Pratt, Irene  
Zerba, Roger

Burnham, Daniel  
Manning, Joseph  
Pratt, John

DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara

### COOS

Davis, Perley  
Rodrigue, Robert

Gliles, Sara

Hawkinson, Marie

Landers, Dana

**GRAFTON**

Almy, Susan	Gilman, G Michael	Guest, Robert	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Johnson, Gary
Mirski, Paul	Phinney, William	Scanlan, David	Ward, Brien
Weber, Phil			

**HILLSBOROUGH**

Arthur, Rose	Bergeron, Lucien	Bergin, Peter	Clemons, Jane
Cote, Peter	Curran, James	Daigle, Robert	Dawe, Eileen
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A	Dwyer, Paul, Sr
Franks, Suzan	Garrish, Linda	Haettenschwiller, Alphonse	Hall, Betty
Herman, Richard	Jean, Claudette	LaPorte, George	Leonard, Peter
Lynde, Harold	MacGillivray, Jeffrey	Martin, Mary	McCarthy, William
McRae, Karen	Melcher, Harold	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Murphy, Robert	Ouellette, Dean	Pepino, Leo
Perkins, Paul	Reidy, Frank	Simon, Anthony	Vaillancourt, Steve
Wall, Nancy	White, John		

**MERRIMACK**

Brewster, Richard	Chase, George	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Larrabee, David, Sr	Lavoie, Gerard	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Owen, Derek
Poulin, Dave	Rodd, Beth	Seldin, Gloria	Soltani, Tony
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Blanchard, MaryAnn	Bridle, Russell
Clark, Martha	Cooney, Richard	Corbin, C David	Cox, Russell
Dearborn, Bruce	DiFruscia, Anthony	Dolan, Richard	Downing, Michael
Dunham, Vivian	Gleason, John	Grant, Kenneth	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Langley, Jane	Langone, John
Lovejoy, Marian	Moore, Benjamin	Norelli, Terie	O'Keefe, Patricia
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed, II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Rubin, George
Sabella, Norma	Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Stickney, Nancy	Stritch, C Donald	Vaughn, Charles
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Smith, Marjorie	Snyder, Clair	Spang, Judith	Vachon, Dennis
Wall, Janet			

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Leone, Richard	McIntyre, Sara	Phiniza, James	Tuthill, John
Wiggins, Celestine			

and the Hess floor amendment (0926h) was adopted.

Rep. Boyce offered a floor amendment (0934h).

**Floor Amendment (0934h)**

Amend the bill by replacing section 47 with the following:

47 Special Provision for Foundation Aid. Notwithstanding the repeal pursuant to section 57 of this act of RSA 198:27-37, relative to foundation aid and alternative foundation aid, the payment of foundation aid which would have been made in April 1999 pursuant to RSA 198:31 before such section was repealed, shall be calculated by the department of education and distributed to the recipients as if such repeal had not occurred.

Amend the bill by inserting after section 50 the following and renumbering the original sections 51 and 52 to read as 59 and 60, respectively:

**51 Business Profits Tax; Prospective Amendment of Rate. Amend RSA 77-A:2 to read as follows:**

77-A:2 Imposition of Tax. A tax is imposed at the rate of [8] 7 percent upon the taxable business profits of every business organization.

52 Transfer Tax; Prospective Amendment of Rate. RSA 78-B:1, I(b) is repealed and reenacted to read as follows:

(b) The rate of the tax is \$.50 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$20. The tax imposed shall be computed to the nearest whole dollar.

53 Prospective Reenactment; Business Profits Tax; Credit for Business Enterprise Taxes. RSA 77-A:5, X is repealed and reenacted to read as follows:

X. Taxes paid pursuant to RSA 77-E. Such credit shall be applied in accordance with RSA 77-E:13. No amount of tax paid pursuant to RSA 77-E and used as a credit against the taxes due under RSA 83-C or RSA 400-A shall be allowed as a credit under this paragraph except as provided in RSA 83-C:2-a or RSA 400-A:34-a. Any unused portion of the credit allowed under this paragraph may be carried forward and allowed against the tax due under this chapter for 5 taxable periods from the taxable period in which the tax was paid.

54 Prospective Reenactment; Application of Credit for Business Enterprise Tax Against Business Profits Tax. RSA 77-E:13 is repealed and reenacted to read as follows:

77-E:13 Application of Credit for Business Enterprise Tax Against Business Profits Tax. If the business enterprise liable for taxes imposed by this chapter is a member of a unitary business within the meaning of RSA 77-A:1, XIV, then the entire amount of the taxes due under this chapter by the individual member of such unitary business shall be allowed as a credit pursuant to RSA 77-A:5, X, against such individual member's portion of the total tax liability of the unitary business under RSA 77-A. In the event that the individual member's credit exceeds such member's portion of the total tax liability of the unitary business, the excess of such credit shall be allowed as a credit against any other individual member's tax liability under RSA 77-A, provided such other member is also subject to the tax imposed by this chapter. The tax liability of an individual member of a unitary business under RSA 77-A shall be determined by the following steps:

I. Determine a combined nexus group denominator for the property, payroll and sales factors by adding the property, payroll and sales factor numerators of the individual members of the combined group subject to tax under RSA 77-A.

II. Determine an individual apportionment percentage for each member of the combined group subject to tax under RSA 77-A by dividing such member's individual New Hampshire property, payroll and sales factor numerators by the combined nexus group denominators determined in paragraph I.

III. Apply the individual apportionment percentage, determined in paragraph II, to business profits tax liability of the water's edge combined group as determined in accordance with the provisions of RSA 77-A.

55 Prospective Amendment; Franchise Tax; Reference to Credit for Taxes Paid. Amend RSA 83-C:2-a to read as follow:

83-C:2-a Credit for Business Enterprise Tax. The tax imposed under RSA 77-E shall be allowed as a credit against the taxes due under this chapter and shall be deemed to be taxes paid pursuant to this chapter for the purposes of RSA 77-A:5, I. To the extent the credit for taxes paid pursuant to RSA 77-E exceeds the taxes imposed under RSA 77-E and shall be allowed as a credit against the taxes due under RSA 77-A as provided by RSA 77-A:5, X.

56 Prospective Amendment; Insurance; Premium Tax; Reference to Credit for Taxes Paid. Amend RSA 400-A:34-a to read as follows:

400-A:34-a Credit for Business Enterprise Tax. The tax imposed under RSA 77-E shall be allowed as a credit against the taxes due under this chapter and shall be deemed to be taxes paid pursuant to this chapter for the purposes of RSA 77-A:5, III. Any insurer subject to taxation under this chapter shall first apply such credits as provided in this section, and then pursuant to RSA 77-A:5, X. The taxes paid pursuant to RSA 77-E by an individual member of a unitary business within the meaning of RSA 77-A:1, XIV shall be allowed as a credit against any other individual member's liability under this chapter. To the extent the credit for taxes paid pursuant to RSA 77-E exceeds the taxes imposed under this chapter, such excess shall be deemed to be taxes imposed under RSA 77-E and shall be allowed as a credit against the taxes due under RSA 77-A as provided by RSA 77-A:5, X.

57 Prospective Amendment; Sweepstakes. Amend RSA 284:21-j to read as follows:

284:21-j Establishment. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E. Any balance left in such fund after such expenses are paid shall be ~~deposited in the~~ for education ~~[trust fund established under RSA 198:39]~~.

58 Prospective Repeals. The following are repealed:

- I. RSA 31-A:7-11, relative to property tax transition grant.
- II. RSA 76:3, relative to state education property tax.
- III. RSA 76:8-9, relative to commissioner of revenue administration property tax warrants.
- IV. RSA 77-A:20-a, relative to distribution of business profits tax revenues.
- V. RSA 78:32, relative to distribution of cigarette tax revenues.
- VI. RSA 83-F, relative to utility property tax.
- VII. RSA 198:38-51, relative to education trust fund, adequate education grants, and excess tax payments.

Amend the bill by replacing section 58 with the following:

60 Effective Date.

I. Sections 20, 21, 42, 43 and paragraph I and II of section 59 of this act shall take effect July 1, 1999, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1999. In the case of any business enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 1999, the taxable period shall be deemed to have ended on June 30, 1999, for the purposes of this act.

II. Section 24, 49, and paragraph XIV of section 59 of this act shall take effect July 1, 1999.

III. Section 34 of this act shall take effect July 1, 1999 at 12:01 a.m.

IV. Section 15 and paragraph VII of section 59 of this act shall take effect upon its passage, and shall apply to property taxes due for the tax year beginning April 1, 1999.

V. Sections 51, 53, 54, 55 and 56 of this act shall take effect July 1, 2001, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 2001. In the case of any business enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 2001, the taxable period shall be deemed to have ended on June 30, 2001, for the purposes of this act.

VI. Sections 52, 55, and paragraphs IV, V, and VII of section 58 shall take effect July 1, 2001.

VII. Paragraphs I-III, and VI of section 58 shall take effect April 1, 2001.

VIII. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill creates a state education property tax at a uniform rate to provide support to communities for an adequate education, and establishes a dedicated trust fund, to be funded by revenues from a state utility property tax, a permanently increased real estate transfer tax, and other sources for the purpose of making distributions to municipalities with insufficient property base to raise adequate education funds on their own.

The bill repeals the nuclear station property tax, kindergarten aid and foundation aid and creates a property tax transition grant program in revenue sharing.



This bill also prospectively repeals the tax provisions and education trust fund provisions of the bill in 2001.

Rep. Boyce spoke in favor and yielded to questions.

Rep. Daniels spoke in favor.

Rep. L'Heureux requested a roll call; sufficiently seconded.

The question being the adoption of the Boyce floor amendment (0934h).

## YEAS 196 NAYS 173

### YEAS 196

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Lawton, David	Lawton, Robert	Millham, Alida
Rice, Thomas	Rosen, Ralph	Thomas, John	Wendelboe, Francine

#### CARROLL

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torressen, Gary	

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	DePecol, Benjamin	Lerandeau, Alfred
Lynott, Margaret	Manning, Joseph	Richardson, Barbara	Roberts, William
Robertson, Timothy	Royce, H Charles		

#### COOS

Guay, Lawrence	Horton, Lynn	Landers, Dana	Rodrigue, Robert
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#### GRAFTON

Alger, John	Brothers, Richard	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Guest, Robert	Hall, David
Ham, Bonnie	Harmon, Hobart	Mirski, Paul	Phinney, William
Picconi, Al	Scanlan, David	Weber, Phil	

#### HILLSBOROUGH

Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Bergeron, Lucien	Brundige, Robert	Bruno, Pierre	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr	Clemons, Jane
Dalianis, Griffin	Daniels, Gary	Dawe, Eileen	Desmarais, Vivian
Desrosiers, William	Durham, Susan	Emerton, Lawrence	Fenton, James
Fletcher, Richard	Gagnon, Eugene	Gorman, Mary	Hall, Betty
Herman, Keith	Jean, Loren	L'Heureux, Robert	LaPorte, George
Lefebvre, Roland	Lessard, Rudy	Martin, Mary	McCarthy, William
McGough, Tim	McRae, Karen	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Murphy, Robert	O'Connell, Timothy	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Searles, Stanley, Sr	Tate, Joan
Wall, Nancy	White, Donald	Williams, Carol	

#### MERRIMACK

Brewster, Richard	Daneault, Gabriel	Fraser, Marilyn	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Owen, Derek	Poulin, Dave	Rodd, Beth
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Blanchard, MaryAnn
Bridle, Russell	Clark, Vivian	Cooney, Richard	Corbin, C David
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed, II	Quandt, Marshall	Raynowska, Bernard
Rubin, George	Ruffner, Walter	Sapareto, Frank	Shultis, Elizabeth
Stickney, Nancy	Stritch, C Donald	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	

**STRAFFORD**

Bickford, David	Grassie, Anne	Keans, Sandra	Musler, George
Rogers, Rose Marie	Spang, Judith	Spear, Barbara	Woods, Phyllis

**SULLIVAN**

Donovan, Thomas, Jr	Jones, Constance	Kibbey, David	Leone, Richard
McIntyre, Sara	Phinizy, James	Tuthill, John	Young, David

**NAYS 173****BELKNAP**

Holbrook, Robert	Pilliod, James	Salatiello, Thomas	Turner, Robert
Wood, Jane			

**CARROLL**

Kenney, Joseph	Lyman, L Randy
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**CHESHIRE**

Blaisdell, Michael	Burnham, Daniel	Doucette, Richard	Hunt, John
Lynch, Margaret	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, Irene	Rose, William	Russell, Ronald	Smith, Edwin
Zerba, Roger			

**COOS**

Davis, Perley	Hawkinson, Marie	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Hinman, Harry	Johnson, Gary	MacNeil, Allen	Marshall, Gene
Nordgren, Sharon	Ward, Brian		

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Arthur, Rose	Baroody, Benjamin
Belvin, William	Bergin, Peter	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A	Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Franks, Suzan
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Goulet, Maurice
Haettenschwiller, Alphonse	Herman, Richard	Holley, Sylvia	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal

LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Perkins, Paul  
Sarette, John  
Turgeon, Roland

Lasky, Bette  
Lynde, Harold  
Melcher, Harold  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve

Leishman, Peter  
MacGillivray, Jeffrey  
Nolan-Piteri, Dawn  
Reidy, Frank  
Simon, Anthony  
White, John

Leonard, Peter  
Martel, Andre  
O'Hearn, Jane  
Rowe, Robert  
Thulander, O Alan  
Withee, Dennis

### MERRIMACK

Anderson, Eric  
Davis, Francis  
Gile, Mary  
Nichols, Avis  
Wallner, Mary Jane

Bouchard, Candace  
Feuerstein, Martin  
Jacobson, Alf  
Potter, Frances  
Whalley, Michael

Chase, George  
Fortnam, Janet  
Maxfield, Roy  
Reardon, Tara

Crosby, Toni  
French, Barbara  
Moore, Carol  
Seldin, Gloria

### ROCKINGHAM

Abbott, Dennis  
Dowling, Patricia  
Gibbons, Paul  
Letourneau, Robert  
Rabideau, Marie  
Stone, Joseph

Christie, Andrew, Jr  
Downing, Michael  
Hutchinson, Karen  
Norelli, Terie  
Reardon, Neil  
Tufts, J Arthur

Clark, Martha  
Flanders, David  
Johnson, Robert  
Pantelakos, Laura  
Shelton, Richard  
Whittier, John

Cote, Patricia  
Francoeur, Sheila  
Kane, Cecelia  
Pitts, Jacqueline  
Splaine, James  
Zolla, William

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Dunlap, Patricia  
Kaen, Naida  
McKinley, Robert  
Smith, Marjorie  
Twardus, Joseph

Brennan, William  
Cossette, Larry  
Estabrook, Iris  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

Brown, George  
DeChane, Marlene  
Heon, Richard  
Lent, Donald  
Pelletier, Marsha  
Taylor, Kathleen  
Vincent, Francis

Brown, Julie  
Domingo, Baldwin  
Johnson, Nancy  
Lundborn, Raymond  
Rollo, Michael  
Torr, Franklin  
Wall, Janet

### SULLIVAN

Allison, David  
Robb-Theroux, Amy

Burling, Peter  
Wiggins, Celestine

Cloutier, John

Flint, Gordon, Sr

and the Boyce floor amendment (0934h) was adopted.

The question now being the adoption of the report.

Rep. Corbin spoke against and yielded to questions.

Rep. Chandler spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded.

### YEAS 198 NAYS 176

### YEAS 198

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Salatiello, Thomas

Boriso, Thomas  
Johnson, James  
Thomas, John

Boyce, Robert  
Rice, Thomas  
Turner, Robert

Czech, Stanley  
Rosen, Ralph  
Wood, Jane

### CARROLL

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Lyman, L Randy  
Philbrick, Donald

MacDonald, Kenneth  
Sullivan, P Judith

### CHESHIRE

Avery, Stephen  
Meador, David  
Russell, Ronald

Doucette, Richard  
Roberts, William  
Smith, Edwin

Hunt, John  
Rose, William

Lerandeau, Alfred  
Royce, H Charles

**COOS**

Guay, Lawrence	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
Harmon, Hobart	MacNeil, Allen	Marshall, Gene	Nordgren, Sharon
Picconi, Al			

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Belvin, William	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Burkush, James	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Cote, David	Coughlin, Pamela	Craig, James	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Foster, Linda	Gagnon, Eugene
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Haettenschwiller, Alphonse	Herman, Keith	Holley, Sylvia	Jean, Loren
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Lessard, Rudy	Lozeau, Donnalee	Martel, Andre	McCarty, Winston
McGough, Tim	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Searles, Stanley, Sr	Tate, Joan	Thulander, O Alan	Turgeon, Roland
White, Donald	Williams, Carol	Withee, Dennis	

**MERRIMACK**

Anderson, Eric	Hess, David	Hoadley, Elizabeth	Kennedy, Richard
Langer, Ray	Leber, William	Nichols, Avis	Reardon, Tara
Whalley, Michael			

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Christie, Andrew, Jr
Clark, Martha	Clark, Vivian	Cote, Patricia	Dalrymple, Janeen
DiFruscia, Anthony	Dowling, Patricia	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Letourneau, Robert	Major, Norman	McKinney, Betsy	Mikowski, Walter
Morse, Charles	Nowe, Frank Lou	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Rabideau, Marie	Reardon, Neil
Ruffner, Walter	Stone, Joseph	Tufts, J Arthur	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Whittier, John
Zolla, William			

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Cossette, Larry
Domingo, Baldwin	Keans, Sandra	Knowles, William	Lundborn, Raymond
McKinley, Robert	Musler, George	Rollo, Michael	Spear, Barbara
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vincent, Francis
Woods, Phyllis			

**SULLIVAN**

Burling, Peter  
Robb-Theroux, Amy

Flint, Gordon, Sr  
Young, David

Jones, Constance

Kibbey, David

**NAYS 176****BELKNAP**

Lawton, David  
Wendelboe, Francine

Lawton, Robert

Millham, Alida

Pilliod, James

**CARROLL**

Babson, David, Jr  
Torresen, Gary

Dickinson, Howard

Howard, Godfrey

Kenney, Joseph

**CHESHIRE**

Batchelder, Robert  
Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy

Blaisdell, Michael  
Lynott, Margaret  
Pratt, Irene  
Zerba, Roger

Burnham, Daniel  
Manning, Joseph  
Pratt, John

DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara

**COOS**

Davis, Perley

Hawkinson, Marie

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Ham, Bonnie  
Phinney, William

Gilman, G Michael  
Hinman, Harry  
Scanlan, David

Guest, Robert  
Johnson, Gary  
Ward, Brien

Hall, David  
Mirski, Paul  
Weber, Phil

**HILLSBOROUGH**

Ahern, Richard  
Clemons, Jane  
Dawe, Eileen  
Dwyer, Paul, Sr  
Herman, Richard  
Leonard, Peter  
McCarthy, William  
Messier, Irene  
Perkins, Paul  
Simon, Anthony

Beaupre, Roland  
Cote, Peter  
Desrosiers, William  
Franks, Suzan  
Jean, Claudette  
Lynde, Harold  
McRae, Karen  
Murphy, Robert  
Peterson, Andrew  
Vaillancourt, Steve

Bergeron, Lucien  
Curran, James  
Dokmo, Cynthia  
Garrish, Linda  
LaPorte, George  
MacGillivray, Jeffrey  
Melcher, Harold  
Ouellette, Dean  
Reidy, Frank  
Wall, Nancy

Bergin, Peter  
Daigle, Robert  
Drabinowicz, A  
Hall, Betty  
Leishman, Peter  
Martin, Mary  
Mendenhall, Leslie  
Pepino, Leo  
Sarette, John  
White, John

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Marple, Richard  
Owen, Derek  
Seldin, Gloria  
Wallin, Jean

Brewster, Richard  
Davis, Francis  
French, Barbara  
Larrabee, David, Sr  
Marshall, Kenneth  
Potter, Frances  
Soltani, Tony  
Wallner, Mary Jane

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Lavoie, Gerard  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Lockwood, Priscilla  
Moore, Carol  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Corbin, C David  
Downing, Michael  
Hutchinson, Rebecca  
Langone, John  
O'Keefe, Patricia

Beaulieu, Jon  
Cox, Russell  
Dunham, Vivian  
Kane, Cecelia  
Lovejoy, Marian  
Pantelakos, Laura

Blanchard, MaryAnn  
Dearborn, Bruce  
Gleason, John  
Kelley, Jane  
Moore, Benjamin  
Pitts, Jacqueline

Cooney, Richard  
Dolan, Richard  
Grant, Kenneth  
Langley, Jane  
Norelli, Terie  
Putnam, Ed, II

Quandt, Marshall  
Sapareto, Frank  
Stickney, Nancy

Raynowska, Bernard  
Shelton, Richard  
Stitch, C Donald

Rubin, George  
Shultis, Elizabeth  
Vaughn, Charles

Sabella, Norma  
Splaine, James  
Weyler, Kenneth

### STRAFFORD

Bickford, David  
Dunlap, Patricia  
Heon, Richard  
Pelletier, Arthur  
Snyder, Clair

Brown, Julie  
Estabrook, Iris  
Johnson, Nancy  
Pelletier, Marsha  
Spang, Judith

Callaghan, Frank  
Gilmore, Gary  
Kaen, Naida  
Rogers, Rose Marie  
Vachon, Dennis

DeChane, Marlene  
Grassie, Anne  
Lent, Donald  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Allison, David  
McIntyre, Sara

Cloutier, John  
Phinizz, James

Donovan, Thomas, Jr  
Tuthill, John

Leone, Richard  
Wiggins, Celestine

and the report was adopted.  
Ordered to third reading.

### RECONSIDERATION

Reps. Chandler and Burling moved that the House reconsider its action whereby it ordered to third reading **HB 117**, establishing a uniform education property tax and a utility property tax, increasing the business profit and real estate transfer taxes, and including other sources of revenue to provide funding for an adequate public education and making an appropriation therefor.  
Rep. Chandler spoke against.  
Reconsideration failed.

### SUSPENSION OF RULES

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **HB 117**, establishing a uniform education property tax and a utility property tax, increasing the business profit and real estate transfer taxes, and including other sources of revenue to provide funding for an adequate public education and making an appropriation therefor.  
Adopted by the necessary two-thirds.

### MOTION ON HB 117

Reps. Chandler and Burling moved that **HB 117**, establishing a uniform education property tax and a utility property tax, increasing the business profit and real estate transfer taxes, and including other sources of revenue to provide funding for an adequate public education and making an appropriation therefor, be read a third time and passed.  
Adopted.

### Third reading and final passage

**HB 117**, establishing a uniform education property tax and a utility property tax, increasing the business profit and real estate transfer taxes, and including other sources of revenue to provide funding for an adequate public education and making an appropriation therefor.

### PROTESTS

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Langley requested that her protest be entered on the Journal.

I, Jane S. Langley, Rockingham District 24, file this protest at the passage of House Bill 117. I feel the action taken today, April 24, 1999, turns the Live Free or Die State of New Hampshire into a socialistic state.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Marple requested that his protest be entered on the Journal.

My understanding of RSA 21-G:16 Effect on Federal Law, states in pertinent part; "... shall not be construed or applied in any way which will prevent full compliance by the state, or any department, office, or agency thereof, with the requirements of any act of the Congress of the United States

or any regulation made thereunder by which federal aid or other federal assistance has been or hereafter is made available to this state, or any department, office, agency, or subdivision thereof;" Title 5 United States Code is an act of Congress Sec. 556 covers "Burden of Proof." Further, subparagraph (d) states; "Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof."

A document that was hand delivered to the New Hampshire Supreme court on June 1, 1998, requested the both courts, legislative and supreme, (as both are identified in the document), to show proof of the jurisdiction that was being asserted. The accountability of both courts is mandated by Article 8 of the New Hampshire Bill of Rights! Failure to respond with proof of that which is being asserted, would appear to be a breach of oath of office as well as any contract of employment.

The state accepted "Goals 2000" education funding and the Supreme court records will show that they also have accepted "Federal Funding", hence there is compelling documentation to require both branches of government to obey the regulation that is cited in paragraph two, *supra* Article 6 of the New Hampshire Bill of Rights is the only positive law of which I am aware. If there has been an amendment to Article 6, or some legislation which somehow circumvents the reservation of right made by the people before they created the government; then please make such documentation available to me. Otherwise, this legislature has no jurisdiction in the funding of education. This is reserved to the people in Article 6, as my June 1, 1998 so documented.

The House clerk has stated that all protests, or dissent, pursuant to Part Two, Article 24, must be written and upon motion made at the time, then be entered on the journal.

Accordingly, should the action of this house at some future date, pass legislation purporting to provide funding for education without first proving it has jurisdiction, on the record, then you are instructed to notify the clerk that this document is my "written protest" and I shall make motion at such time that a funding proposal is adopted.

I hope that these two pages are specific enough to identify that the General Court has only the jurisdiction that the people enumerated to it in Part Two, Form of Government, Article 2, wherein such delegation of legislative authority is limited by the controlling language which is contained in Article 5, to-wit; "so as the same be not repugnant or contrary to this constitution;" not once, but twice! It would appear that our founding fathers repeated the limiting clause for emphasis.

This legislature can not usurp the peoples reserved; "Right of electing their own teachers, and of contracting with them for their support or maintenance or both"; as clearly enumerated in Article 6, Bill of Rights. If the legislature is intent in wresting the control of school funding from the people, then it must follow the constitutional procedure for amending the same and place Article 6 upon the ballot for repeal by the people! Until such repeal is made by the people, this legislature has no jurisdiction! It may make a gift of funds as a benefaction of law, but it has no duty enumerated to it for control and mandated funding of teachers.

I look forward to any documentation that will prove that the actions being contemplated are in the best interests of the people but I fear none will be forthcoming.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Sabella requested that her protest be entered on the Journal.

I, Norma A. Sabella, Rockingham District 13, register a protest on House Bill 117 because I feel the legislation is unconstitutional.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 293**, relative to the definition of "party" for election purposes, removed by Rep. Brewster.

**HB 389**, relative to procedures for apportioning state representatives among counties and among legislative districts, removed by Rep. MacGillivray.

**HB 458**, relative to voter qualifications, removed by Rep. Clegg.

**HB 646-FN**, relative to the vesting period for New Hampshire retirement system benefits, removed by Rep. Mirski.

Consent Calendar adopted.

**HB 438**, relative to certain changes to the membership of the advisory committee on child care.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Anne C. Grassie for Children and Family Law: This bill re-names the Child Care Advisory Committee to the Child Care Advisory Council. It corrects the names of groups that participate and re-clarifies the voting and non-voting membership. It also removes the necessity of having a co-chair person from the Department of Health and Human Services. We learned that was the only advisory board that has as a chair a member of the group it advises. The purpose of HB 438 is to allow the Child Care Advisory Council to become more effective and efficient in its operation. We have the support of the DHHS. No funding is required. Vote 16-0.

**Amendment (0689h)**

Amend the bill by replacing all after the enacting clause with the following:

I Advisory Committee on Child Care; Membership and Duties Amended. RSA 126-A:17 is repealed and reenacted to read as follows:

126-A:17 Advisory Council on Child Care.

I. There is established an advisory council on child care in New Hampshire consisting of voting and nonvoting members listed in paragraphs II and III.

II. The advisory council shall consist of the following voting members:

- (a) One member of the house of representatives, appointed by the speaker of the house.
- (b) One member of the senate, appointed by the president of the senate.
- (c) The president of the New Hampshire Child Care Association, or designee.
- (d) The president of the New Hampshire Family Child Care Association, or designee.
- (e) One individual representing the interests of school age child care, appointed by Plus Time

NH.

(f) The president of the New Hampshire Child Care Resource and Referral Network, or designee.

(g) The president of the New Hampshire Association for the Education of Young Children, or designee.

(h) The president of the New Hampshire American Academy of Pediatrics, or designee.

(i) The chair of the New Hampshire Head Start Directors Association, or designee.

(j) One individual representing the concerns of the business community relative to child care services, appointed by the Business and Industry Association.

(k) Three individuals who are consumers of child care services, appointed by the governor. To the extent possible, economic, cultural, and geographical diversity shall be maintained among these at-large appointees, with one residing in a city, one residing in a town with a population in excess of 5,000 persons, and one residing in a town with fewer than 5,000 persons. One consumer appointee shall have a child with a disability who attends a child care program.

(l) One representative of New Hampshire early childhood education programs, appointed by the commissioner of the New Hampshire regional community-technical college system.

(m) One representative of the university system of New Hampshire whose area of expertise is early childhood education, appointed by the chancellor of the university system of New Hampshire.

(n) One representative of the department of education, appointed by the commissioner of education. The representative shall have nonvoting status for votes pertaining to the department of education matters.

III. The advisory council shall consist of the following nonvoting members:

(a) Representatives from the department of health and human services, appointed by the commissioner of health and human services. One of the representatives shall be the administrator of the child development bureau. Additional representatives from the child development bureau shall be included. Other representatives from the department shall include, but not be limited to individuals with expertise in child care licensing, maternal and child health, behavioral health, developmental disability services, child care subsidies, Head Start, and Temporary Assistance for Needy Families.

(b) Any number of additional non-voting members appointed by a majority vote of the voting members. The purpose of this provision is to permit the council to seek out and recognize persons with expertise and experience in the field of child care who may make significant contributions to the work of the council in specific policy areas.



IV.(a) The term of office for each member appointed under subparagraphs II(j) through (n) shall be 3 years, or until a successor is appointed and qualified in the case of a vacancy. The term of office for all other members shall be coterminous with the term of office for the position that qualifies that member to serve on the advisory council. A vacancy shall be filled in the same manner, but only for the unexpired term.

(b) The advisory council shall meet at least quarterly, and may meet more often at the call of the chair, or at the request of a majority of the members directed to the chair. The council may, by majority vote of the voting members, adopt additional bylaws as deemed necessary by the council.

(c) The council shall, at its annual meeting, elect one voting member to serve as chair for a one year term, or until a successor is elected and qualified.

(d) No member shall receive any compensation for serving on the council, provided that the legislative members shall receive legislative mileage when in performance of their duties and the consumer members may receive compensation dependent upon the availability of funds, other than from the general fund.

V. The duties of the council shall include, but not be limited to:

(a) Developing a 5-year state plan of recommended improvements of child care services in the state of New Hampshire, copies to be sent to the speaker of the house, the president of the senate, and the governor.

(b) Submitting an annual progress report of the council's 5-year state plan to the speaker of the house, the president of the senate, and the governor.

(c) Reviewing and making recommendations regarding federal plan submissions and proposed legislative changes to facilitate the development and provision of quality child care services in the state of New Hampshire.

(d) Acting as a forum to receive information from child care professionals, educators, providers, consumers, government agencies, and the business community relating to the provision of child care services in the state of New Hampshire.

(e) Advising the commissioner of health and human services on any issue related to child care in New Hampshire.

(f) Informing and communicating with the commissioner of education on any issue related to child care in New Hampshire.

(g) Informing and communicating with the governor on any issue related to child care in New Hampshire.

VI. The duties of the department of health and human services shall include, but not be limited to:

(a) Informing the advisory council, in a timely manner, any proposed legislation and any proposed changes to administrative rules relating to the provision of quality child care.

(b) Informing the advisory council, at least twice annually, on matters regarding:

(1) Federal and child care revenues and expenditures.

(2) Financial reporting and statistics related to child care subsidies.

(3) The status of other federal and state child care grants.

(4) Information on consumer and provider utilization and availability.

VII. The department of health and human services shall continue to provide administrative support to the advisory council.

VIII. The council is the advisory body for the federally-funded Child Care Development Fund. The advisory council may serve as an advisory body when required for state participation in or may coordinate with other federally-funded child care programs granted to the state of New Hampshire.

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 717-FN-A**, establishing a child care incentive program for training child care workers, and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Barbara Hull Richardson for Children and Family Law: This bill offers state-funded loans to individuals pursuing college level courses leading to a certificate or associate degree in early childhood education. The high turnover rate of child care workers is very difficult for young children who spend most of their waking hours in day care. This incentive program would be an inducement for retention of these important caregivers. The committee feels this bill needs further work and therefore voted to re-refer. Vote 12-0.

**HB 726-FN**, relative to the credentialing of personnel in early care and education programs. **OUGHT TO PASS**

Rep. Mary Stuart Gile for Children and Family Law: This bill enables the Department of Health and Human Services to accept applications and fees for the issuance of a certificate requested by individuals who have met the education and training requirements set forth by the department in the NH child care program licensing rules. The bill also establishes an early care and education personnel fund for the purpose of administering the credentialing process. Vote 11-1. Referred to Finance.

**SB 65**, establishing a study committee to review field activities conducted by the department of health and human services relative to children, youth and families. **OUGHT TO PASS**

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill establishes a study committee to review and examine the policies and procedures now employed by the Department of Health and Human Services relative to field activities conducted in regards to children, youth, families. Issues such as privacy and confidentiality will also be examined. Vote 12-0.

**SB 130**, establishing a committee to study issues regarding procedures and standards for selection and supervision of court-appointed guardians ad litem. **OUGHT TO PASS**

Rep. Mary Stuart Gile for Children and Family Law: Guardians ad litem (GAL) are appointed by the court, in marital disputes to assess what is in the best interest of children involved and make recommendations accordingly. Testimony presently indicated that the current system is disconnected and there is no standard protocol for GALs to follow. Training, accountability and evaluation requirements vary greatly. The committee agreed that the GAL position and responsibilities are critical to ensuring the well-being of children experiencing serious family problems and recommend passage of this study bill. Vote 12-0.

**HB 287**, relative to nursing home care services. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: This bill would require all health insurance companies to contract with any resident care facility for short-term nursing care. Since the demographics of those needing short-term nursing care are mostly Medicare eligible individuals, this bill would have little impact because Medicare rules and regulations are determined by the federal government, not the state. An amendment was offered to require health plans to contract with facilities that meet certain credentialing standards. All facilities can now meet these standards if they choose, so this proposed amendment would also have limited impact. The sponsor agreed that the committee's actions are justified. Vote 15-1.

**HB 322**, relative to funds exchanged at real estate closings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Dennis P. Vachon for Commerce: The bill, as amended, sets the standard for what is required by lenders to qualify as "good funds" for funding loans secured by real estate at real estate closings. The original bill only provided a limited number of forms of funds, which were allowable. Vote 15-3.

#### **Amendment (0744h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to funds provided by a mortgagee at real estate closings.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; First Mortgage Home Loans; Compliance With Provisions Regarding Funding of Loans at Real Estate Closings. Amend RSA 397-A by inserting after section 14-a the following new section:

397-A:14-b Compliance With Requirements for Funding of Loans at Real Estate Closings. A licensee shall comply with the provisions of RSA 477:52 relative to requirements for the funding of loans at real estate closings.

2 New Section; Second Mortgage Home Loans; Compliance With Provisions Regarding Funding of Loans at Real Estate Closings. Amend RSA 398-A by inserting after section 9 the following new section:

398-A:9-a Compliance With Requirements for Funding of Loans at Real Estate Closings. A licensee shall comply with the provisions of RSA 477:52 relative to requirements for the funding of loans at real estate closings.

3 New Subdivision; Funding of Loans at Real Estate Closings. Amend RSA 477 by inserting after section 51 the following new subdivision:

Funding of Loans at Real Estate Closings

477:52 Funding of Loans at Real Estate Closings. The funds provided by a mortgagee to fund a loan secured by real estate at a real estate closing shall be in the form of:

I. Cash;

II. Wired funds or electronic transfer;

III. Certified check;

IV. Checks issued by a governmental entity or instrumentality;

V. Any transfer of funds by check or otherwise that are finally collected and unconditionally available to the settlement agent;

VI. Checks or other drafts drawn by a state-chartered or federally-chartered financial institution;

VII. Checks or other drafts drawn by a state-chartered or federally-chartered credit union;

VIII. Checks issued by an insurance company licensed and regulated by the department of insurance; or

IX. Cashier's check, teller's check, or treasurer's check.

4 Effective Date. This act shall take effect January 1, 2000.

#### AMENDED ANALYSIS

This bill requires funds provided by a mortgagee to fund a loan secured by real estate at a real estate closing to be in certain forms.

**HB 267-FN-L**, abolishing county departments of corrections and authorizing the department of corrections to contract with the counties to utilize the former county correctional facilities as state facilities. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill would abolish the county houses of corrections which are used to house those convicted of crimes whose punishments are one year or less and the county jails where those awaiting trial are housed pending bail or release. There were no study results showing a savings nor were there any benefits stated that could be evaluated. The various county jails provide a service to their respective communities that would be difficult for the state to emulate. Currently the state prison houses some of its inmates at several county facilities and the county has its inmates at the state prison for a variety of reasons, most often because they may be a discipline problem or for the inmate's protection. All county jail/houses of corrections have local work programs and provide several programs to attempt to rehabilitate the inmates. The inmate work programs provide direct restitution to the communities and the work release programs ordered by the court allow families of incarcerated inmates to stay off the welfare rolls plus allowing restitution to the community through paying room and board to the county. Each county has programs unique to its demographic and geographic location. The county jail/houses of corrections have done a good job and the level of co-operation between the state prison and county system is very supportive of a small state's corrections system and the committee felt it should continue to be so. The committee could find no reason for this bill to be anything but inexpedient to legislate Vote 17-0.

**HB 631-FN**, authorizing the department of safety to issue photographic identification cards to persons required to have criminal background checks for employment or other lawful purposes. **RE-REFER TO COMMITTEE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The original purpose of this bill was to establish a "Photo ID" system for all persons who are required by law to undergo a criminal record background check. According to the NH State Police, there are two different categories of criminal background checks. The first category is an inquiry of name and date of birth for the purpose of a criminal investigation of a criminal justice employee. This inquiry is made by a criminal justice agency and applies to sheriff's bailiffs pursuant to RSA 104:5, IV. The second category is an employee applicant fingerprint card submission to the FBI. The employee's fingerprints are sent to Washington. This second category applies to school employees pursuant to RSA 189:13-a, Health and Human Services staff who have regular contact with children pursuant to RSA 126-A:5 and persons who apply for permits to operate hazardous waste facilities pursuant to RSA 147-A:4. The department stated that there is no overlap between these two categories. On the Federal Level, the Brady check is an inquiry of name and date of birth. This entails review of National Instant Criminal

Background Check System (NICS) records. If the sale of firearms is challenged, the person's fingerprints are sent to the FBI. It was determined that if such an ID card is desirable, it will require some extra time to determine how it should be obtained and how long the card would be in effect. Obviously if the holder of such a card committed an offense, the card would be revoked much like a driver license is revoked. The committee voted to further study this matter Vote 12-0.

**HB 577**, relative to the power of a school district to expend catastrophic special education funds.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. McKinley for Education: This bill authorizes a school district to borrow and spend funds that exceed the catastrophic aid costs that were anticipated prior to the adoption of the school districts budget. Under the existing municipal budget law, their unanticipated costs must come from other programs within the district, sometimes causing severe restrictions and hardships within the district. This bill corrects this problem. The amendment exempts certain unexpected catastrophic special education expenses from the municipal budget law. Vote 21-0.

**Amendment (0759h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the power of a school district to expend catastrophic special education funds and relative to the exemption of certain unexpected catastrophic special education expenses from the provisions of the municipal budget law.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as section 4:

3 New Paragraph; Special Education; Catastrophic Aid Expenses. Amend RSA 186-C:18 by inserting after paragraph IX the following new paragraph:

X. Unexpected catastrophic special education costs incurred by a school district that could not be identified prior to the adoption of the local district budget shall be exempt from the provisions of RSA 32:8, 32:9, 32:10, and 32:11, III.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Section 2 of this act shall take effect at 12:01 a.m. on July 1, 1999.

II. The remainder of this act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill authorizes a school district to expend funds reflecting the total catastrophic special education costs for pupils in the district and provides that certain unexpected catastrophic special education expenses which could not be identified or anticipated prior to the adoption of the school district budget shall be exempt from the provisions of the municipal budget law.

Referred to Finance.

**HB 648-FN**, relative to a sludge testing program. **RE-REFER TO COMMITTEE**

Rep. Derek Owen for Environment and Agriculture: There was a unanimous vote in favor to refer this bill to the Committee pending final action on SB 195, which deals with related subjects. Vote 14-0.

**HB 535**, establishing a committee to study the creation of a department of natural resources.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson for Executive Departments and Administration: This bill, as amended, sets up a legislative committee to study the Department of Resources and Economic Development (DRED) with attention given to the integrated functioning of the different entities within the Department of Resources and Economic Development. This department provides a balance between tourism, commerce, and economic development, and the natural, scenic, historic and recreational resources of the state. A study of this unique relationship has not been conducted since the "Sunset" program in the mid 1980's. Vote 13-0.

**Amendment (0794h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the department of resources and economic development.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court acknowledges its responsibility for the conservation, stewardship, and management of the state's natural, scenic, historic, and recreational resources and for ensuring that these responsibilities are carried out appropriately and efficiently within the department of resources and economic development. In addition, the general court wishes to further the integrated functioning of those different entities within the department of resources and economic development which provide a balance between tourism, commerce, and economic development and the natural, scenic, historic, and recreational resources of the state.

2 Committee Established. There is established a committee to study the organization and function of the department of resources and economic development.

3 Membership and Mileage.

1. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house. The representatives who are appointed shall include one member of the executive departments and administration committee, one member of the resources, recreation, and development committee, and one member of the commerce committee.

(b) Three members of the senate, appointed by the president of the senate. The senators who are appointed shall include one member of the energy and economic development committee, one member of the environment committee, and one member of the executive departments and administration committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall:

I. Review all current functions of the department of resources and economic development. The committee may utilize the assistance of the legislative budget assistant and may ask the fiscal committee to request a performance audit of the department of resources and economic development and any divisions or bureaus thereof. All state agencies shall assist the study committee upon request. This assistance shall include economic, budget, and spending information as it relates to the different functions of the department of resources and economic development. The committee shall also be encouraged to utilize the assistance and expertise of state business, conservation, preservation, environmental, and tourism groups as part of this study.

II. Study ways to ease the development pressures facing state recreational facilities.

III Explore possibilities for the adoption of a new revenue source to fund the state park system and tourism activities.

IV. Make recommendations indicating ways to further the integrated functioning of those different entities within the department of resources and economic development which provide a balance between tourism, commerce, and economic development and the natural, scenic, historic, and recreational resources of the state.

V. Consider factors including, but not limited to, economic and environmental concerns, biodiversity, tourism, and the probable fiscal impact resulting if its recommendations are put into effect.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall make an interim report of its findings relative to the duties set forth in this act to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999. The committee shall make a final report of its recommendations to the speaker of the house of representative, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study the organization and function of the department of resources and economic development and make recommendations toward improving the integrated functioning of the various entities within the department.

**HB 736**, ratifying the 1999 Allenstown annual town meeting. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: This bill ratifies all acts, votes, notices, and proceedings of the first and second sessions of the 1999 Allenstown annual town meeting because the warrant was mistakenly posted one day later than required. Vote 16-0.

**HB 463-L**, relative to local regulation of junk yards. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Charles W. Morse for Public Works and Highways: This bill gives towns jurisdiction to regulate junk yards within 1000 feet of certain national and state highways. The New Hampshire Municipal Association strongly supported the bill to extend communities' interest in regulating junk yards along the highway system. The committee worked with the sponsor to amend the bill to satisfy the concerns raised by the Department of Transportation regarding a technicality in terminology by changes in the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) legislation in road classification, i.e., creating a problem in enforcement of signage along the state's highways. The committee unanimously supported the bill as amended. Vote 19-0.

**Amendment (0553h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to local regulation of junk yards and altering the definition of federal aid primary system for purposes of the laws regarding highway regulations, protection and control regulations.

Amend the bill by replacing all after section 1 with the following:

2 Junk Yards; Local Control. Amend RSA 236:111 to read as follows:

236:111 Purposes. This subdivision is adopted under the police power of the state to conserve and safeguard the public safety, health, morals, and welfare, and to further the economic growth and stability of the people of the state through encouragement to the development of the tourist industry within the state. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants and the safeguarding of their material rights against unwarrantable invasion. In addition, such an environment is considered essential to the maintenance and continued development of the tourist and recreational industry which is hereby declared to be of significant and proven importance to the economy of the state and the general welfare of its citizens. At the same time, it is recognized that the maintenance of junk yards as defined in this subdivision, is a useful and necessary business and ought to be encouraged when not in conflict with the express purposes of this subdivision. ~~[The junk yards in this subdivision include all junk yards which are not established, used or maintained adjacent to the interstate, federal aid primary or turnpike systems]~~ *All junk yards shall be subject to this subdivision, including those adjacent to the interstate, federal aid primary, or turnpike systems, which are also subject to RSA 236:90-110.*

3 Federal Aid Primary System; What Highways are Included. Amend RSA 236:70, V to read as follows:

V. The words "federal aid primary system" shall mean all highways which are a part of the federal aid system described in subsection (b) of section 103 of Title 23, United States Code, and such highways as may be so reclassified from time to time as provided by subsection (f) of section 103 of Title 23, United States Code *that were in existence on June 1, 1991, and any highway which was not on the system but was included in the National Highway System as defined in section 1046(c) of the Intermodal Surface Transportation Efficiency Act of 1991.*

4 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill gives towns jurisdiction to regulate junk yards within 1,000 feet of certain federal and state highways.

This bill also alters the definition of federal aid primary system to include any highway included in the national highway system for purposes of the laws regarding highway regulations, protection and control regulations.

**HB 501-FN-A**, relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Candace White Bouchard: This amendment takes away the appropriation and allows the community to provide funding for the study of repairs required to restore the covered railroad

bridge in Contoocook Village in the town of Hopkinton. This bill now allows the department of cultural resources to use state, federal and private grants and funds for the purpose of this study. Vote 12-2.

### Amendment (0799h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton.

Amend the bill by replacing section 3 with the following:

3 Funding. The commissioner of the department of cultural resources, with the oversight of the department of transportation and the capital budget overview committee, may solicit, expend and disburse state and federal funds, as well as private grants and funds, for the purpose of section 2 of this act.

### AMENDED ANALYSIS

This bill requires the department of cultural resources to conduct a study of the repairs required to restore the covered railroad bridge in Contoocook village in the town of Hopkinton. Referred to Finance.

### HB 421, relative to penalty provisions for the law regarding exotic aquatic weeds. OUGHT TO PASS WITH AMENDMENT

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill is part of the Resources, Recreation & Development Committee's continued effort to prevent the spread of exotic aquatic weeds into our lakes and ponds. It provides penalties for violating provisions of HB 181 of 1998, which outlawed importation and sales of exotic aquatic weeds such as Milfoil and Fanwort. It is the intent of the Committee and the Department of Environmental Services to use education as the primary deterrent to the spreading of these weeds. The amendment removes the word "transport" from the definition of the violation. Intentionally or recklessly adding these plants to waterbodies of the state is a violation subject to a fine of up to \$2,000.00 Vote 11-1.

### Amendment (0760h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to penalty provisions for the law regarding control of marine pollution, exotic aquatic weeds, and other aquatic growth.

Amend the bill by replacing all after the enacting clause with the following:

1 Control of Marine Pollution and Aquatic Growth; Administrative Fines. Amend the introductory paragraph of RSA 487:7, II to read as follows:

II. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense, upon any person who violates any provision of this chapter, *any lawful rule of the department adopted under this chapter, or any lawful order issued by the department pursuant to this chapter*. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

2 New Paragraphs; Control of Marine Pollution and Aquatic Growth; Civil Penalty; Injunction. Amend RSA 487:7 by inserting after paragraph II the following new paragraphs:

III. Any person who shall violate any provisions of this chapter, or any lawful rule of the department adopted under this chapter, or who shall fail, neglect or refuse to obey any order lawfully issued pursuant to this chapter, shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

IV. The department shall issue a written cease and desist order against any act in violation of this chapter or lawful rule of the department adopted under this chapter, and any such act may be enjoined by the superior court upon application of the attorney general.

3 New Section; Exotic Aquatic Weed Penalties. Amend RSA 487 by inserting after section 16-a the following new section:

487:16-b Exotic Aquatic Weed Penalties. It shall be unlawful to knowingly, recklessly, or purposely offer for sale, distribute, sell, import, purchase, propagate, or introduce exotic aquatic weeds into New Hampshire waterbodies. Notwithstanding RSA 487:7, any person engaging in such an activity shall be guilty of a violation.

4 New Hampshire Clean Lakes Program; Rulemaking. Amend RSA 487:24, VII-a to read as follows:

VII-a. Administration and enforcement of, and exemptions to, the exotic aquatic weed prohibition under RSA 487:16-a. [~~Such rules shall not include the imposition of fines or penalties not otherwise authorized by statute.~~]

5 Effective Date. This act shall take effect January 1, 2000.

### AMENDED ANALYSIS

This bill:

I. Makes it a violation to intentionally or recklessly introduce exotic aquatic weeds into waterbodies of the state.

II. Adds a civil penalty and injunction relief to the penalties for violation of the chapter regarding control of marine pollution and aquatic growth.

### **HB 325**, prohibiting "cramming" in telecommunications billing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Terie T. Norelli for Science, Technology and Energy: With the advent of competition, local exchange carriers may sign billing and collection contracts with other telecommunications service providers and issue bills to their local exchange customers based on charges submitted by these other providers. Unfortunately, there has been growing concern about a practice called "cramming" in which customers are charged, often as a monthly fee, for services that they have either not ordered or have been sold in a deceptive manner. This bill requires service providers who wish to bill through a local exchange carrier to register with the Public Utilities Commission and subjects any providers who engage in cramming to administrative fines and loss of ability to bill through a local exchange carrier. Vote 20-0.

### **Amendment (0771h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; Billing by Local Exchange Carriers. Amend RSA 378 by inserting after section 42 the following new subdivision:

Billing by Local Exchange Carriers

378:43 Definitions. In this subdivision:

I. "Commission" means the public utilities commission.

II. "Cramming" means the submission or inclusion of unauthorized, misleading, or deceptive charges for products or services on a customer's local telephone bill. Cramming shall not include charges for collect calls, charges for customer dialed telecommunications services, or charges required by law.

III. "Customer" means the party identified in the account records of the local exchange carrier, a person contractually or otherwise lawfully authorized to represent such party, or a person identified in such records as authorized to change the services subscribed to or to charge services to the account.

IV. "Local exchange carrier" means the company that provides local telephone exchange service and renders the telephone bill to the customer.

V. "Service provider" means a person that offers a product or service to a customer and directly or indirectly sends the billable charges or credits to the local exchange carrier for billing to the customer.

378:44 Registration Required. Service providers that are not public utilities, or affiliates or subsidiaries of public utilities, shall register with the commission. If a service provider is not so registered, it may not submit charges to the local exchange carrier. The commission may revoke a registration for cause.

378:45 Cramming Prohibited. No person shall engage in cramming. Any person that engages in cramming shall be subject to an administrative fine in an amount to be determined by the commission, not to exceed \$1,000 per offense. The commission may consider intent as a factor when assessing administrative fines. The commission may prohibit a service provider that engages in cramming from billing through the local exchange carrier.



## 378:46 Charges by Service Providers.

I. Upon determining that it is technically and economically feasible, the commission shall require local exchange carriers to permit a customer to place a block on an account that prevents any non-telecommunications-related charges that do not originate from the customer's local exchange or long distance carrier from appearing on the customer's local exchange carrier bill.

II. A local exchange carrier is prohibited from terminating the essential voice local exchange service of any customer for failure to pay charges from a service provider that are disputed by the customer.

378:47 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, and consistent with rules adopted by the Federal Communications Commission regarding telecommunications cramming, to enforce the provisions of this subdivision.

2 Effective Date. This act shall take effect January 1, 2000.

**HB 645-FN**, relative to funding for the telecommunications assistance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: The bill changes the Telecommunications Assistance Program to the Telecommunications Equipment Assistance Program and requires the Governor's Commission on Disability to establish a cost-sharing formula for persons whose income exceeds current eligibility criteria. It authorizes the Public Utilities Commission to transfer \$.01 per month per access line from the access line charge currently being collected to a fund for the equipment. There are no new access line charges. The inclusion of hearing or speech disability to the definition of a qualified person is a result of a problem that arose in rulemaking when the program was originally established. The bill also adds a representative to the enhanced 911 commission from the disabled community and requires telephone service providers or the telephone service provider's operator service to transfer emergency calls, including the caller's telephone number according to the National Emergency Numbering Association standard, to the enhanced 911 Public Safety Answering Point in a manner allowing retrieval of the caller's location. 911 Director Bruce Cheney requested this amendment. The enhanced 911 aspects were addressed in a second public hearing. Vote 19-0.

**Amendment (0786h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to telecommunications equipment assistance and the enhanced 911 system.

Amend the bill by replacing all after the enacting clause with the following:

1 Sheriffs, Constables, and Police Officers; Enhanced 911 System; Commission and Bureau Established; Member of Commission Added. Amend the introductory paragraph of RSA 106-H:3, I(a) to read as follows:

(a) There is hereby established an enhanced 911 commission consisting of ~~[+3]~~ **14** members, including the chief of the bureau of emergency medical service or designee, the chairman of the public utilities commission or designee, a representative of the department of safety, a public member, a police officer and firefighter both experienced in responding to emergency calls, **a representative of the disabled community**, and one active member recommended by each of the following organizations, nominated by the governor with the approval of the council:

2 Sheriffs, Constables, and Police Officers; Enhanced 911 System; Coordination by Provider of Telephone Services; Transfer to Public Safety Answering Point. Amend RSA 106-H:8 to read as follows:

106-H:8 Coordination by Provider of Telephone Service. Every telephone utility authorized to do business in the state pursuant to RSA 374:22, **I** and every entity which provides commercial mobile radio service, as defined in 47 C.F.R. 20.3, and required by the Federal Communications Commission to provide 911 service, shall make available the universal emergency telephone number 911 for use by the public in seeking assistance from fire, police, and other related safety agencies through a single public safety answering point~~[-for the purpose of implementing this chapter]~~. **Each telephone service provider shall assure that all requests for police, fire, medical, or other emergency services received by the provider or the provider's operator services shall be transferred to the public safety answering point. Such transfer shall include the calling party's telephone number in American Standard Code for Information Interchange (ASCII) in a format**

*recommended for data exchange by the National Emergency Number Association (NENA). For purposes of implementing this chapter*, any provider of commercial mobile radio service shall be entitled to reimbursement from the bureau of the reasonable expenses incurred to accomplish the provision of enhanced 911 service to the extent authorized by the Federal Communications Commission and approved by the enhanced 911 commission. The bureau may utilize the services of any other state agency or a consultant to assist in reviewing the requested reimbursement to insure that it is reasonable and may seek recovery of the expense of that review from the provider.

3 Public Utilities; Telecommunications Equipment Assistance Program. Amend the chapter heading of RSA 362-E to read as follows:

#### TELECOMMUNICATIONS *EQUIPMENT* ASSISTANCE PROGRAM

4 Public Utilities; Telecommunications Equipment Assistance Program; Definitions; Telecommunications Equipment Assistance and Telecommunications Relay Service. Amend RSA 362-E:1, II-IV to read as follows:

II. "Telecommunications *equipment* assistance" means a teletypewriter or other telecommunications equipment used by a qualified person to conduct telephone communications.

III. "Telecommunications relay service" means a service transmitting messages and information between a person using standard telephone equipment for spoken communications and a qualified person using telecommunications *equipment* assistance.

IV. "Qualified person" means a person who is deaf, hard of hearing, speech impaired, or unable to reasonably use standard telephone equipment due to a *hearing or speech* disability.

5 Public Utilities; Telecommunications Equipment Assistance Program; Administration. Amend RSA 362-E:2 to read as follows:

362-E:2 Administration. The commission shall administer the telecommunications *equipment* assistance program and shall implement the program by contract with one or more entities.

6 Public Utilities; Telecommunications Equipment Assistance Program; Duties; Establishment of Program. Amend RSA 362-E:3, I(a) to read as follows:

(a) A program that will enable qualified persons in New Hampshire to access telephone service through the use of telecommunications *equipment* assistance.

7 Public Utilities; Telecommunications Equipment Assistance Program; Duties; Eligibility Criteria; Cost-Sharing Added. Amend RSA 362-E:3, I(b) to read as follows:

(b) Eligibility criteria, including ability to pay, which shall be based on income levels which shall not exceed 200 percent of the federal poverty level guidelines published in the Federal Register, exclusive of disability-related expenses. *For persons whose income levels exceed 200 percent of the federal poverty level guidelines, exclusive of disability-related expenses, the commission shall create a cost-sharing formula based on ability to pay.*

8 Public Utilities; Telecommunications Equipment Assistance Program; Rulemaking; Eligibility Criteria; Ability to Pay Deleted. Amend RSA 362-E:5, I to read as follows:

I. Eligibility criteria [~~excluding ability to pay~~].

9 Public Utilities; Telecommunications Equipment Assistance Program; Budgeting; Line Charge. RSA 362-E:6 is repealed and reenacted to read as follows:

362-E:6 Budgeting. The public utilities commission shall establish a telecommunications equipment assistance trust fund. The public utilities commission shall assess a \$.01 per month per access line charge, which shall be collected from telephone utilities and deposited into the telecommunications equipment assistance trust fund. The proceeds of this assessment shall be available to the governor's commission on disability for the purposes of funding the telecommunications equipment assistance program.

10 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill

I. Changes the name of the telecommunications assistance program to the telecommunications equipment assistance program.

II. Establishes a telephone line surcharge to fund the telecommunications equipment assistance program.

III. Requires the governor's commission on disability to establish a cost-sharing formula for persons whose income exceeds current eligibility criteria for the program.

IV. Adds a representative of the disabled community to the enhanced 911 commission.

V. Specifies that a qualified person under the telecommunications equipment assistance program is a person with a hearing or speech disability.

VI. Requires telephone service providers to transfer emergency calls, including the caller's telephone number, to the public safety answering point.

Referred to Finance.

**HB 538**, establishing a committee to study the new construction and repair of New Hampshire commemorative monuments at certain Civil War battle sites. **OUGHT TO PASS**

Rep. Dean Ouellette for State-Federal Relations and Veterans Affairs: This bill establishes a committee to study repair of NH Civil War monuments. The monuments were originally paid for and are the property of the State of NH. This bill forms a committee to decide on how to fund the repair of NH property. Vote 13-0.

**HB 477-FN**, changing certain requirements for temporary plates on motor vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Larry J. Cossette for Transportation: This bill was introduced to allow manufacturers or dealers of motor vehicles the option of whether or not to attach temporary plates to a vehicle upon the sale or exchange of a vehicle. The Department of Safety uses these plates as a tracking device for vehicle transfers. This bill accomplishes the goal of the sponsor while maintaining the integrity of the tracking mechanism. The amendment negates the fiscal note and any fiscal impact the original bill may have had. Vote 19-0.

#### **Amendment (0785h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Temporary Plates. Amend RSA 261:109, I to read as follows:

I. A manufacturer or dealer, except those manufacturers or dealers that may be relieved of such requirements by the director, shall, upon the sale or exchange of a vehicle, [attach] *issue* to such vehicle a temporary plate, and the purchaser of such vehicle may drive the same for a period not to exceed 20 consecutive days thereafter without payment of a registration fee.

2 Effective Date. This act shall take effect July 1, 1999.

#### **AMENDED ANALYSIS**

This bill requires manufacturers or dealers of motor vehicles to issue temporary plates upon the sale or exchange of a vehicle.

**HB 698-FN-L**, restricting fees for registration permits for certain vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. John W. Flanders, Sr. for Transportation: It was the feeling of the committee that we should define the categories of the different types of construction equipment. They were vague under the present RSAs. We also set a minimum fee for construction equipment plates at \$25.00. We also set a tier rate for rubber tire construction equipment that is driven on the highway according to weight of such equipment. As follows, equipment weighing up to 7,500 lbs. shall be \$25.00. Equipment 7,501 lbs. to 15,000 lbs., the fee shall be \$50.00. Equipment 15,001 lbs. to 50,000 lbs., the fee shall be \$100.00. Equipment 50,001 lbs. to 80,000 lbs., the fee shall be \$200.00. All equipment over 80,000 lbs. shall be \$300.00. The sponsors of the bill, also the representatives of the contractors and municipal association representatives were satisfied with the amendment. Vote 19-0.

#### **Amendment (0783h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Exception for Certain Trailers. Amend RSA 261:153, I to read as follows:

I. The treasurer of each city, or such other person as the city government may designate, and the town clerk of each town shall collect fees for such permits as follows: on each vehicle offered for registration a sum equal to 18 mills on each dollar of the maker's list price for a current model year vehicle, 15 mills on each dollar of the maker's list price for the first preceding model year vehicle, 12 mills on each dollar of the maker's list price for the second preceding model year vehicle, 9 mills on each dollar of the maker's list price for the third preceding model year vehicle, 6 mills on each dollar of the maker's list price for the fourth preceding model year vehicle, and 3

mills on each dollar of the maker's list price for the fifth preceding model year vehicle and any model year prior thereto. In no event, however, shall the fee be less than \$5. **Registration permit fees for construction equipment, as defined in RSA 259:42, shall be governed by RSA 261:64.** The director shall make the final determination of any vehicle model year in any case in which a dispute arises. The fee collected hereunder for a vehicle used only in the manner and for the purposes specified in RSA 261:82 shall be \$5; and provided further, that the fee collected hereunder for a farm tractor shall be \$5. In cases of doubt, the director may investigate for the purpose of determining eligibility for limited purpose registrations.

2 Definition Changed. Amend RSA 259:42 to read as follows:

259:42 ~~[Highway Building]~~ **Construction** Equipment "~~[Highway building]~~ **Construction** equipment" shall mean all bulldozers, rollers, scrapers, graders, spreaders, pavers, bituminous mixers, retreading machines, compressors, power shovels, excavators, **backhoes**, wagons, concrete mixers, **generators, message boards, wood chippers**, bucket loaders, snow loaders, rooters, scarifiers and **construction** tractors, and such other items of equipment which in the opinion of the director ~~[have no usefulness upon the highways except for the building, repair or maintenance of highways, while being used in connection with the building, repair or maintenance of highways or while being]~~ **should be classified as construction equipment. Construction equipment that must be transported or moved over the highways [under a permit issued pursuant to RSA 265:7] that is overwidth or overweight shall comply with special permits as required by RSA 228:21 and RSA 265:7.** Road oilers, bituminous distributors and heavy duty platform trailers and semi-trailers are expressly excepted from this definition.

3 Definition Changed. Amend RSA 261:64, I to read as follows:

261:64 ~~[Highway Building]~~ **Construction** Equipment and Implements of Husbandry.

I. A resident owner of ~~[highway building]~~ **construction** equipment, or a nonresident owner of such equipment who has a bona fide actual residence in a state granting like privileges to residents of this state shall not be required to register such equipment in this state **if used at worksites and trailered from location to location or to cross highways to access contiguous property. To register construction equipment, as defined under RSA 259:42, the fee shall be \$25 except for the following rubber tired equipment; excavators, front end loaders, backhoes, graders, or construction equipment towed on a permanent trailer, such as a generator, which shall be assessed based on weight utilizing the following scale: equipment that weighs up to 7,500 lbs. the fee shall be \$25, for equipment from 7,501 lbs. to 15,000 lbs. the fee shall be \$50, for equipment from 15,001 lbs. to 50,000 lbs. the fee shall be \$100, for equipment from 50,001 lbs. to 80,000 lbs. the fee shall be \$200, and for all equipment over 80,000 lbs. the fee shall be \$300.**

4 Farm Tractor Plate Registration Requirements. Amend RSA 261:83 to read as follows:

261:83 Farm Tractor Plates. A tractor shall qualify for farm tractor registration rates and shall be driven with such registration only when the tractor is used exclusively for agricultural purposes or to draw another vehicle in such a way that part of the load is carried on such towing vehicle; ~~or if it qualifies under the definition of highway building equipment~~.

5 Effective Date. This act shall take effect 60 days after its passage.

Referred to Finance.

## REGULAR CALENDAR

**HB 224-FN-A**, changing the name of the division of fire safety to the division of fire and building safety; adding members to the state advisory board of fire control; establishing a joint committee on code enforcement; and appropriating funds for hiring mechanical inspectors in the division of fire and building safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Everett A. Weara for Criminal Justice and Public Safety: This bill establishes a joint committee on code enforcement, consisting of the chairman of those agencies directly involved in code enforcement: the board of fire control, the electricians board, the plumbers' board, the water well board, the board of architects, the board of engineers, the architectural barrier-free design committee, and the New Hampshire Building Officials Association. They will meet once a year to discuss matters of mutual interest in code enforcement administration, inspection, licensing and certification. It also provides for the addition of two fire investigators in the state fire marshal's office. Vote 15-1.

**Amendment (0541h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a joint committee on code enforcement and appropriating funds for hiring fire investigators in the division of fire safety.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Joint Committee on Code Enforcement. Amend RSA 153 by inserting after section 4-a the following new section:

153:4-b Joint Committee on Code Enforcement. There shall be a joint committee on code enforcement, consisting of each of the chairpersons of the following: the board of fire control, the electricians' board, the plumbers' board, the water well board, the board of architects, the board of engineers, the architectural barrier-free design committee, and the New Hampshire Building Officials Association. The chairperson of the board of fire control shall serve as chairperson of the joint committee. The joint committee shall meet at least annually to carry out its duties established under this chapter. The committee shall discuss matters of mutual interest in the areas of code administration, inspections, licensing and certification.

2 Appropriation; Department of Safety. The sum of \$272,576 is hereby appropriated to the department of safety for the biennium ending June 30, 2001, for the purposes of hiring 2 fire investigators in the division of fire safety. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1999.

**AMENDED ANALYSIS**

This bill establishes a joint committee on code enforcement. The bill also appropriates funds to the division of fire safety to hire fire investigators.

Adopted.

Report adopted and referred to Finance.

**HB 265**, relative to the student trustees on the university system of New Hampshire board of trustees. **OUGHT TO PASS**

Rep. Brien Ward for Education: The committee believes that students would be an asset on the university system Board of Trustees. The student-elected trustees play an important role in effectuating productive communication between the system's students and the appointed trustees. The committee supports the rotation of the two student trustees between the UNH, Keene State and Plymouth State campuses. This legislation will assist the university system students in obtaining appropriate and effective representation on the Board of Trustees and also educating the other trustees on campus issues. Vote 12-3.

Adopted and ordered to third reading.

**HB 341**, relative to the process for nonrenewal of teacher contracts. **OUGHT TO PASS**

Rep. Jane O'Hearn for Education: This bill clearly defines the review and appeal procedures relative to nonrenewal of teacher contracts. Currently, teachers are in a special position, unlike any other employee in the state, because they have multiple avenues of appeal for nonrenewal decisions. This multiple review process is time consuming and expensive for local school boards and has the effect of deterring nonrenewal decisions. School boards are required to hire attorneys and expend teacher and administrator time (otherwise spent in the schools) in lengthy and multiple hearings challenging their decisions. Teacher tenure reform has been before this legislature for the past four years. Last year, both the House and Senate passed a reform package that was vetoed by the Governor. This bill is the product of a group representing all sides of the issue that met last summer and fall to come to a consensus to solve the problem. The committee believes this bill establishes a fair and reasonable approach to the nonrenewal issue and that it provides protections to both sides. The bill continues to provide the full due process rights of the teacher. The bill requires that superintendents demonstrate at a local school board hearing, by a preponderance of the evidence, that a teacher had received written notice, that the teacher's unsatisfactory performance may lead to nonrenewal, that the teacher had an opportunity to correct such performance and that the teacher had failed to correct the unsatisfactory performance. The bill also provides that a request for review of a local nonrenewal decision by the State Board of Education shall be the exclusive remedy available to a teacher on nonrenewal decisions and shall be a review limited to the record of the local school board hearing. This does not remove

a request for review by the New Hampshire Supreme Court. All decisions of local school boards shall be upheld unless they are clearly erroneous. The intent is that this is a very high standard of review so that the decision of the local school board is given great weight. The bill further provides that the nonrenewal of a teacher shall not be subject to binding arbitration. This only impacts binding arbitration as it relates to nonrenewal decisions. Provisions for binding arbitration are in many current teacher contracts and local school boards have testified that they are extremely costly to local taxpayers and that they "cannot buy binding arbitration provisions out of their contracts." This bill is supported by the New Hampshire School Boards Association, the New Hampshire School Administrators Association, the New Hampshire Principals Association and the State Board of Education. It is a consensus bill and it provides clear recognition that teacher performance has a major impact on the education of New Hampshire pupils and that reform of teacher tenure laws is crucial to the future of education in this state. Vote 15-6.

Rep. Marsha Pelletier spoke against.

Rep. Yeaton spoke against and yielded to questions.

Reps. Hoadley, Ward and O'Hearn spoke in favor.

Rep. O'Hearn requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 255 NAYS 94

### YEAS 255

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Millham, Alida	Pilliod, James	Rice, Thomas	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	Wood, Jane

#### CARROLL

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Doucette, Richard
Hunt, John	Manning, Joseph	Meador, David	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

#### COOS

Davis, Perley	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Hall, David	Ham, Bonnie	Harmon, Hobart	Hinman, Harry
Johnson, Gary	Marshall, Gene	Nordgren, Sharon	Phinney, William
Picconi, Al	Scanlan, David	Ward, Brien	Weber, Phil

#### HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Burkush, James
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Dokmo, Cynthia	Durham, Susan	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen

Ford, Nancy  
Goulet, Maurice  
Keye, Harvey  
Leishman, Peter  
Lynde, Harold  
McCarty, Winston  
Mendenhall, Leslie  
Nolan-Piteri, Dawn  
Pappas, Marc  
Rowe, Robert  
Tate, Joan

Foster, Linda  
Herman, Keith  
Kurk, Neal  
Leonard, Peter  
MacGillivray, Jeffrey  
McGough, Tim  
Mercer, Robert  
O'Connell, Timothy  
Pepino, Leo  
Sarette, John  
Thulander, O Alan

Gagnon, Eugene  
Holley, Sylvia  
L'Heureux, Robert  
Lessard, Rudy  
Martel, Andre  
McRae, Karen  
Moran, Edward  
O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
Wall, Nancy

Ginsburg, Ruth  
Jean, Loren  
LaRose, Richard  
Lozeau, Donnalee  
Martin, Mary  
Melcher, Harold  
Mosher, William  
Ouellette, Dean  
Reeves, Sandra  
Searles, Stanley, Sr  
White, Donald

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
Moore, Carol  
Whalley, Michael

Bouchard, Candace  
Feuerstein, Martin  
Hess, David  
Langer, Ray  
Marple, Richard  
Nichols, Avis

Brewster, Richard  
Fortnam, Janet  
Hoadley, Elizabeth  
Larrabee, David, Sr  
Marshall, Kenneth  
Poulin, Dave

Chase, George  
Gile, Mary  
Jacobson, Alf  
Leber, William  
Maxfield, Roy  
Soltani, Tony

### ROCKINGHAM

Abbott, Dennis  
Christie, Andrew, Jr  
Cox, Russell  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Hutchinson, Karen  
Katsakiores, Phyllis  
Letourneau, Robert  
Mikowski, Walter  
Nowe, Ronald  
Putnam, Ed, II  
Rubin, George  
Stickney, Nancy  
Varrell, Thomas  
Welch, David

Arndt, Janet  
Clark, Vivian  
Dalrymple, Janeen  
Downing, Michael  
Flanders, David  
Griffin, Mary  
Hutchinson, Rebecca  
Kobel, Rudolph  
Lovejoy, Marian  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Stone, Joseph  
Vaughn, Charles  
Weyler, Kenneth

Beaulieu, Jon  
Cooney, Richard  
Dearborn, Bruce  
Dunham, Vivian  
Flanders, John, Sr  
Hamel, Albert  
Johnson, Robert  
Langley, Jane  
Major, Norman  
Norelli, Terie  
Packard, Sherman  
Raynowska, Bernard  
Sapareto, Frank  
Stritch, C Donald  
Verani, Giovanni  
Whittier, John

Belanger, Ronald  
Cote, Patricia  
Dolan, Richard  
Fesh, Robert  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Nowe, Mary Lou  
Priestley, Anne  
Reardon, Neil  
Shelton, Richard  
Tufts, J Arthur  
Weare, Everett  
Zolla, William

### STRAFFORD

Bickford, David  
Johnson, Nancy  
Rollo, Michael  
Spear, Barbara  
Woods, Phyllis

Cossette, Larry  
Kaen, Naida  
Smith, Marjorie  
Taylor, Kathleen

Dunlap, Patricia  
Lundborn, Raymond  
Snyder, Clair  
Torr, Franklin

Estabrook, Iris  
McKinley, Robert  
Spang, Judith  
Vincent, Francis

### SULLIVAN

Allison, David  
Leone, Richard

Cloutier, John  
McIntyre, Sara

Flint, Gordon, Sr  
Robb-Theroux, Amy

Jones, Constance  
Young, David

### NAYS 94

### BELKNAP

Salatiello, Thomas

### CARROLL

None

**CHESHIRE**

Burnham, Daniel	DePecol, Benjamin	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Zerba, Roger	

**COOS**

Guay, Lawrence	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

**GRAFTON**

Copenhaver, Marion	Densmore, Jessica	Guest, Robert
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**HILLSBOROUGH**

Arthur, Rose	Baroody, Benjamin	Buckley, Raymond	Clemons, Jane
Cote, David	Dawe, Eileen	Desmarais, Vivian	Drabinowicz, A
Franks, Suzan	Garrish, Linda	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard	Jean, Claudette
Johnson, Lionel	Konys, Christine	LaPorte, George	Lasky, Bette
McCarthy, William	Messier, Irene	Milligan, Robert	Murphy, Robert
Reidy, Frank	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Davis, Francis	Fraser, Marilyn	French, Barbara	Owen, Derek
Potter, Frances	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha	DiFruscia, Anthony	Gibbons, Paul
Grant, Kenneth	Kane, Cecelia	Pitts, Jacqueline	Sabella, Norma
Shultis, Elizabeth	Splaine, James		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Grassie, Anne
Heon, Richard	Keans, Sandra	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Twardus, Joseph	Wall, Janet	

**SULLIVAN**

Burling, Peter	Donovan, Thomas, Jr	Phinizy, James	Tuthill, John
Wiggins, Celestine			

and the report was adopted.

Ordered to third reading.

**(Rep. Jacobson in the Chair)**

**HB 483-FN-L**, relative to restricting the authority of the state board of education to adopt minimum standards for public school approval. **INEXPEDIENT TO LEGISLATE**

Rep. Iris Estabrook for Education: This bill removes the rulemaking authority of the State Board of Education in establishing minimum standards for school approval in the areas of school facilities, class size, staffing and staff qualifications. The committee believes the standards, last revised in 1993, form the framework for delivery of educational services and include sufficient alternative compliance provisions, which give local schools flexibility. Vote 12-4.

Adopted.



**HB 498-FN**, establishing a special education catastrophic aid fund. OUGHT TO PASS WITH AMENDMENT

Rep. Brien L. Ward for Education: The committee believes that a state funded emergency relief fund for school districts, which incur unanticipated catastrophic special education costs, be appropriately funded. This legislation will amend a previously established program which authorized the State Board of Education to designate up to \$250,000 of unexpended catastrophic aid for emergency aid to school districts. This program has never been funded. The State Department of Education documented for the committee that in fiscal school year 1996-1997, 39 school districts incurred \$2.7 million in unanticipated expenditures which qualified for state catastrophic aid. The amendment appropriates \$2,000,000 each fiscal year to a non-lapsing special education catastrophic aid fund for special education emergency assistance costs. This legislation also authorizes the State Board of Education to promulgate rules to determine which school districts may qualify for emergency assistance under this fund. In addition, any school districts, which receive aid from this emergency fund, shall not be reimbursed for the same catastrophic special education expenses. Vote 20-0.

**Amendment (0758h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a special education catastrophic aid fund and relative to exempting certain unexpected catastrophic special education expenses from the provisions of the municipal budget law.

Amend RSA 186-C:18, III (a) as inserted by section 2 of the bill by replacing it with the following:

III.(a) The state board of education through the commissioner, department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3-1/2 times the estimated state average expenditure per pupil for the school year preceding the year of distribution. If in any year, the amount appropriated for distribution as catastrophic special education aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed for court-ordered placements under RSA 186-C:19-b. ~~[The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs.]~~ *The state shall appropriate no less than \$2,000,000 each fiscal year to the nonlapsing special education catastrophic aid fund established in RSA 186-C:18-a to assist those school districts which, under rules adopted by the state board of education, may qualify for emergency assistance for special education costs.* Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally disabled children, it shall not ~~[receive]~~ *be reimbursed for those same catastrophic special education [aid] expenses* for those same educationally disabled children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used ~~[to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph]~~ *in accordance with RSA 186-C:18-a.*

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as sections 4-5 respectively:

3 New Paragraph; Special Education; Catastrophic Aid Expenses. Amend RSA 186-C:18 by inserting after paragraph IX the following new paragraph:

X. Unexpected catastrophic special education costs incurred by a school district that could not be identified prior to the adoption of the local district budget shall be exempt from the provisions of RSA 32:8, 32:9, 32:10, and 32:11, III.

**AMENDED ANALYSIS**

This bill establishes a nonlapsing special education catastrophic aid fund to be used to provide school districts with emergency assistance for special education costs. The bill also exempts from

the provisions of the municipal budget law any catastrophic special education expenses incurred by a school district which could not be identified or anticipated prior to the adoption of the local district's budget.

Adopted.

Report adopted and referred to Finance.

**HB 514-L**, establishing open enrollment provisions in the school districts of the state. RE-REFER TO COMMITTEE

Rep. Susan B. Durham for Education: The committee wants to look at open enrollment in public schools and how it could work after education funding reform is settled. Therefore, we will use this bill for such a study. Vote 16-4.

Rep. O'Hearn yielded to questions.

Adopted.

**HB 529**, requiring all postsecondary institutions to report all assaults to local police departments. INEXPEDIENT TO LEGISLATE

Rep. David Larrabee for Education: The intent of this bill is to require post-secondary institutions to report all assaults on campus to the local police. In essence, this would be a law to enforce a law. Federal laws require reporting of assaults on college campuses to the police departments. Presently, college administrators, campus security and local police departments are aware of the laws requiring reporting and are working cooperatively in developing working relationships and reporting procedures. Vote 13-1.

Adopted.

**HB 225**, relative to the definitions of the terms "farm," "agriculture," and "farming." OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: The bill is introduced to make fine-tuned alterations that the Senate found necessary to this bill that passed the House last year. Vote 15-0.

**Amendment (0473h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The purpose of this act is to modernize the definition of "farming" and "agriculture" to more accurately reflect the scope of agriculture as practiced today in New Hampshire. This definition shall not be construed as a regulation, or as an exemption from any regulation or statute.

2 Definitions; "Farm," "Agriculture," and "Farming." RSA 21:34-a is repealed and reenacted to read as follows:

21:34-a Farm, Agriculture, Farming.

I. The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in paragraph II of this section.

II. The words "agriculture" and "farming" mean all operations of a farm, including:

(a)(1) The cultivation, conservation, and tillage of the soil.

(2) The use of and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.

(3) The use of and application of agricultural chemicals.

(4) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*cervus elephus canadensis*), fallow deer (*dama dama*), red deer (*cervus elephus*), and reindeer (*Rangifer tarandus*).

(5) The breeding, boarding, raising, training, riding instruction, and selling of equines.

(6) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.

(7) The raising, breeding, or sale of poultry or game birds.

(8) The raising of bees.

(9) The raising, breeding, or sale of domesticated strains of fur-bearing animals.

(10) The production of greenhouse crops.

(11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, or any other plant that can be legally grown and harvested extensively for profit or subsistence.

(b) Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:

(1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.

(2) The transportation to the farm of supplies and materials.

(3) The transportation of farm workers.

(4) Forestry or lumbering operations.

(5) The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

III. A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.

IV. Practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, and appropriate agencies of the United States Department of Agriculture.

3 Motor Vehicles; Definitions; "Agriculture" and "Farming." RSA 259:3 is repealed and reenacted to read as follows:

259:3 Agriculture and Farming. The words "agriculture" and "farming" mean all operations of a farm, including:

I.(a) The cultivation, conservation, and tillage of the soil.

(b) The use of and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.

(c) The use and application of agricultural chemicals.

(d) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*cervus elephus canadensis*), fallow deer (*dama dama*), red deer (*cervus elephus*), and reindeer (*Rangifer tarandus*).

(e) The breeding, boarding, raising, training, riding instruction, and selling of equines.

(f) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.

(g) The raising, breeding, or sale of poultry or game birds.

(h) The raising of bees.

(i) The raising, breeding, or sale of domesticated strains of fur-bearing animals.

(j) The production of greenhouse crops.

(k) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, or any other plant that can be legally grown and harvested extensively for profit or subsistence.

II. Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:

(a) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.

(b) The transportation to the farm of supplies and materials.

(c) The transportation of farm workers.

(d) Forestry or lumbering operations.

(e) The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.

(f) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

### SPECIAL ORDER

**HB 239-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. RE-REFER TO COMMITTEE

Rep. Betty B. Hall for Environment and Agriculture: The committee feels that the work towards creating legislation in order to promote industrial hemp has merit. There has been considerable effort to arrive at a viable solution that has addressed virtually all outstanding issues, in particular public safety and routine management by the Department of Agriculture. Consequently, to resolve the few remaining questions it is felt that additional time is required. Vote 7-6.

On a division vote, 208 members having voted in the affirmative and 117 in the negative, the report was adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 379**, setting up a study committee to study issues pertaining to the Sullivan county regional refuse disposal district. OUGHT TO PASS

Rep. John S. Cobb for Environment and Agriculture: This act authorizes a study committee, consisting of three members from the House and Senate each, to address issues of longstanding concern regarding the Sullivan County regional refuse disposal district ("the district"). Encouraging the formation of waste districts through enabling legislation, specifically RSA 53-B, and as a result of subsequent amendments tailored for and peculiar to "the district" in question, careful scrutiny is required in light of the fact that "the district" is considering privatization and expansion of its ash landfill. The fact that waste disposal sites are a diminishing resource, it is particularly important to consider the ramifications of this proposal. Such a disposition may have a long term, adverse economic effect on the operation or viability of the incinerator and may be contrary to policy objectives established in statute. Arguably, the landfill may be "the district's" most important asset other than the incinerator. Concerns and questions regarding the present organizational structure of "the district" notwithstanding, undue expansion of the ash landfill or change in use from an ash fill to a solid waste facility not only may not be in the best interests of "the district" and its owners (twenty-nine towns in Vermont and New Hampshire) financially but also may have undesirable environmental and economic impact on the region. Inconsistent and irregular district meetings and arbitrary application of policy, moreover, indicate a review. Vote 10-4.

Adopted and ordered to third reading.

**HB 410**, relative to the enforcement authority of the department of environmental services. OUGHT TO PASS

Rep. Suzan L. R. Franks for Environment and Agriculture: This act further clarifies the laws pertaining to civil penalties under the hazardous waste clean-up fund, enforcement authority of the Department of Environmental Services relative to waste pollution and waste disposal. The Committee unanimously supports this act. Vote 14-0.

Adopted and ordered to third reading.

**HB 412-FN**, relative to the state treasurer and increasing the limit on state indebtedness. OUGHT TO PASS WITH AMENDMENT

Rep. David G. Poulin for Executive Departments and Administration: The majority believes that increasing the bonded indebtedness of the state from \$150,000,000 to \$200,000,000 as requested by the state treasurer is reasonable and prudent. The bill also provides authority for the Business

Finance Authority to guarantee bonds to economically distressed regions, which will serve as a tool to aid these regions in attracting and retaining jobs. The bill further clarifies the power of the state treasurer when it comes to appointments of the two deputies. Vote 12-2.

### Amendment (0652h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the powers of the state treasurer and increasing the limit on state indebtedness, and relative to the use of bond proceeds awarded under a state guarantee.

Amend the bill by replacing all after section 2 with the following:

3 Treasurer and Accounts; Appointments and Removal. Amend RSA 6:21 to read as follows:  
6:21 Appointments; Removal; *Duties*.

*I. The state treasurer shall appoint 2 deputies who shall hold office while the treasurer remains in office unless sooner removed. [The treasurer shall designate one deputy as chief deputy.] The treasurer may remove either [of them] deputy at pleasure, and the governor and council may remove either of the deputies for cause as they may remove the treasurer. A commissioner shall appoint deputies to hold office in like manner.*

*II. The treasurer shall designate one deputy as chief deputy who shall perform such duties as may be assigned by the treasurer. During the absence or disability of the treasurer, the chief deputy shall perform all duties of the office of treasurer. The other deputy shall perform such duties as may be assigned by the treasurer.*

4 State Bonds; Cost of Debt Issuance. Amend RSA 6-A:13 to read as follows:

6-A:13 Cost of Debt Issuance; *Application of Premium*. The state treasurer may incur bond issuance costs and bond discounts, if applicable, which shall be offset with any bond premiums, if applicable, for bonds sold under this chapter. *Any remaining premium shall be credited to the general fund.* In order to provide funds to pay the cost of issuing bonds or the bond discount or to establish estimated revenue for the bond premium, the governor, upon request of the state treasurer, shall draw [his] a warrant for such payments out of any money in the treasury not otherwise appropriated from each fund as appropriate.

5 New Paragraph; Business Finance Authority; State Guarantees. Amend RSA 162-I:9-b by inserting after paragraph III the following new paragraph:

III-a.(a) Bonds awarded a state guarantee shall be awarded by giving priority to financing eligible facilities in all economically distressed communities of the state. The authority shall establish appropriate guidelines to ensure that state guarantees benefit only economically distressed areas.

(b) Priority for the funds awarded under RSA 162-I:9-b, III-a(a) shall be for the economically distressed areas of the northern portion of the state, particularly the White Mountain region, the northern portions of the Dartmouth-Lake Sunapee region, and the Lakes region.

6 Repeal. RSA 162-I:9-b, III-a, relative to use of bond proceeds awarded under a state guarantee, is repealed.

7 Applicability of Prospective Repeal. Any bonds awarded under the provisions of RSA 162-I:9-b, III-a shall not be affected by the prospective repeal in section 6 of this act.

8 Effective Date.

I. Section 6 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

Report adopted and referred to Finance.

**HB 553-FN-A**, establishing a commission on the status of men, and making an appropriation therefor. **OUGHT TO PASS**

Rep. William R. Zolla for Executive Departments and Administration: This bill is similar to HB 1377, which passed the House last spring. The current proposal includes a purpose clause recognizing men as an important resource for their families and points out that certain social, economic and health problems are unique to men. As the Commission on Women has served us well for the past 30 years, we feel strongly that the same consideration and understanding should be granted to men, particularly in light of the fact that the Commission on Men will be required to report annually to the House and Senate. Its usefulness will be re-examined in five years. Vote 16-1.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 193 NAYS 137****YEAS 193****BELKNAP**

Bartlett, Gordon  
Lawton, Robert  
Wood, Jane

Boyce, Robert  
Millham, Alida

Johnson, James  
Turner, Robert

Lawton, David  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr  
Lyman, L Randy  
Philbrick, Donald

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard  
Mock, Henry

Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara

Blaisdell, Michael  
Meader, David  
Royce, H Charles

Lynott, Margaret  
Mitchell, McKim  
Zerba, Roger

Manning, Joseph  
Pratt, John

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Landers, Dana

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Hinman, Harry

Alger, John  
Dudley, Terri  
Johnson, Gary

Almy, Susan  
Eaton, Stephanie  
Scanlan, David

Cobb, John  
Ham, Bonnie  
Weber, Phil

**HILLSBOROUGH**

Ahern, Richard  
Bergin, Peter  
Clegg, Robert, Jr  
Desmarais, Vivian  
Fields, Dennis  
Foster, Linda  
Hall, Betty  
Johnson, Lionel  
L'Heureux, Robert  
Martel, Andre  
Mendenhall, Leslie  
Moran, Edward  
O'Connell, Timothy  
Rowe, Robert  
Turgeon, Roland  
Williams, Carol

Andrews, Frederick  
Brundige, Robert  
Clemons, Jane  
Durham, Susan  
Fletcher, Richard  
Ginsburg, Ruth  
Herman, Richard  
Keye, Harvey  
LaPorte, George  
Martin, Mary  
Mercer, Robert  
Mosher, William  
O'Hearn, Jane  
Sargent, Maxwell  
Vaillancourt, Steve

Baroody, Benjamin  
Bruno, Pierre  
Dalianis, Griffin  
Dyer, Merton  
Flora, Kathleen  
Goley, Jeffrey  
Holley, Sylvia  
Konys, Christine  
Lynde, Harold  
McCarthy, William  
Messier, Irene  
Murphy, Robert  
Reeves, Sandra  
Simon, Anthony  
Wall, Nancy

Batula, Peter  
Burkush, James  
Dawe, Eileen  
Emerton, Lawrence  
Ford, Nancy  
Goulet, Maurice  
Jean, Loren  
Kurk, Neal  
MacGillivray, Jeffrey  
McCarty, Winston  
Milligan, Robert  
Nolan-Piteri, Dawn  
Reidy, Frank  
Tate, Joan  
White, John

**MERRIMACK**

Chase, George  
Fraser, Marilyn  
Leber, William  
Poulin, Dave

Daneault, Gabriel  
Gile, Mary  
Lockwood, Priscilla  
Rodd, Beth

Davis, Francis  
Hess, David  
Nichols, Avis  
Soltani, Tony

Fortnam, Janet  
Kennedy, Richard  
Owen, Derek  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Blanchard, MaryAnn  
DiFruscia, Anthony  
Fesh, Robert

Arndt, Janet  
Christie, Andrew, Jr  
Dolan, Richard  
Flanagan, Natalie

Beaulieu, Jon  
Cooney, Richard  
Dowling, Patricia  
Flanders, John, Sr

Belanger, Ronald  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila

Gibbons, Paul  
Kane, Cecelia  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Reardon, Neil  
Splaine, James  
Vaughn, Charles

Grant, Kenneth  
Katsakiores, George  
Langone, John  
Mikowski, Walter  
O'Neil, Michael  
Ruffner, Walter  
Stickney, Nancy  
Welch, David

Hamel, Albert  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Pitts, Jacqueline  
Sapareto, Frank  
Stone, Joseph  
Weyler, Kenneth

Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Quandt, Marshall  
Shultis, Elizabeth  
Varrell, Thomas  
Zolla, William

### STRAFFORD

Bickford, David  
Heon, Richard  
Pelletier, Marsha  
Spang, Judith  
Woods, Phyllis

Brennan, William  
Johnson, Nancy  
Rogers, Rose Marie  
Taylor, Kathleen

Callaghan, Frank  
Kaen, Naida  
Rollo, Michael  
Twardus, Joseph

Domingo, Baldwin  
Pelletier, Arthur  
Smith, Marjorie  
Vincent, Francis

### SULLIVAN

Cloutier, John  
Young, David

Leone, Richard

Robb-Theroux, Amy

Wiggins, Celestine

### NAYS 137

### BELKNAP

Czech, Stanley  
Rosen, Ralph

Holbrook, Robert  
Thomas, John

Pilliod, James

Rice, Thomas

### CARROLL

Bradley, Jeb

Howard, Godfrey

Sullivan, P Judith

### CHESHIRE

Avery, Stephen  
Lynch, Margaret  
Smith, Edwin

Burnham, Daniel  
Pratt, Irene

Doucette, Richard  
Robertson, Timothy

Hunt, John  
Rose, William

### COOS

Mears, Edgar  
Woodward, David

Merrill, Gerald

Rodrigue, Robert

Tholl, John, Jr

### GRAFTON

Brothers, Richard  
Hall, David  
Phinney, William

Copenhaver, Marion  
Harmon, Hobart  
Picconi, Al

Gilman, G Michael  
Marshall, Gene  
Ward, Brien

Guest, Robert  
Nordgren, Sharon

### HILLSBOROUGH

Alukonis, David  
Belvin, William  
Carlson, Donald  
Craig, James  
Dokmo, Cynthia  
Garrish, Linda  
LaRose, Richard  
Lozeau, Donnalee  
Ouellette, Dean  
Sarette, John

Arnold, Thomas, Jr  
Bergeron, Lucien  
Cote, David  
Curran, James  
Drabinowicz, A  
Gorman, Mary  
Lasky, Bette  
McGough, Tim  
Pappas, Marc  
Thulander, O Alan

Arthur, Rose  
Buckley, Raymond  
Cote, Peter  
Daigle, Robert  
Fenton, James  
Herman, Keith  
Leishman, Peter  
McRae, Karen  
Pepino, Leo  
White, Donald

Beaupre, Roland  
Calawa, Leon, Jr  
Coughlin, Pamela  
Daniels, Gary  
Franks, Suzan  
Jean, Claudette  
Leonard, Peter  
Melcher, Harold  
Peterson, Andrew

### MERRIMACK

Anderson, Eric  
French, Barbara

Bouchard, Candace  
Hoadley, Elizabeth

Brewster, Richard  
Larrabee, David, Sr

Feuerstein, Martin  
Marshall, Kenneth

Moore, Carol  
St Cyr, Gerard  
Whitemore, James

Potter, Frances  
Virtue, Carolyn

Reardon, Tara  
Wallner, Mary Jane

Seldin, Gloria  
Whalley, Michael

### ROCKINGHAM

Clark, Martha  
Dalrymple, Janeen  
Griffin, Mary  
Lovejoy, Marian  
Putnam, Ed, II  
Stritch, C Donald  
Whittier, John

Clark, Vivian  
Dunham, Vivian  
Henderson, Warren  
Norelli, Terie  
Raynowska, Bernard  
Tufts, J Arthur

Cote, Patricia  
Flanders, David  
Hutchinson, Karen  
Packard, Sherman  
Rubin, George  
Verani, Giovanni

Cox, Russell  
Gleason, John  
Hutchinson, Rebecca  
Priestley, Anne  
Shelton, Richard  
Weare, Everett

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Lundborn, Raymond  
Torr, Franklin

Brown, George  
Dunlap, Patricia  
McKinley, Robert  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Snyder, Clair

Cossette, Larry  
Keans, Sandra  
Spear, Barbara

### SULLIVAN

Allison, David  
Jones, Constance

Burling, Peter  
McIntyre, Sara

Donovan, Thomas, Jr  
Phinizz, James

Flint, Gordon, Sr  
Tuthill, John

and the report was adopted.  
Referred to Finance.

### (Speaker Sytek in the Chair)

### SENATE MESSAGE

### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 117**, establishing a uniform education property tax and a utility property tax increasing the business profit and real estate transfer taxes and including other sources of revenue to provide funding for an adequate public education and making appropriation therefor. (Amendment printed SJ 15, 4/22/99)

Reps. Chandler and Burling moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Lozeau, Chandler, Kurk, Hess and Burling. (Alternates: Reps. Wallner and Bradley)

### REGULAR CALENDAR (CONT'D.)

**HB 650-FN-A**, relative to alcohol and drug abuse prevention and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: The sponsor provided an amendment that replaced the entire bill when it became apparent that the original bill would be defeated. The amendment establishes a study committee to study prevention services for alcohol and drug abuse. It appears that this is the first time these issues have been studied by the legislature in quite awhile. The study may answer the following questions: (1) how are preventive services currently being provided? And (2) should New Hampshire establish a council on drug/alcohol abuse prevention? Currently prevention services and funding appear in the department of education, attorney general's office, department of health and human services, etc., and perhaps now is the time to review the appropriateness of all services provided to this sensitive area. Vote 15-1.

### Amendment (0647h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the structure of alcohol and drug abuse prevention services.

Amend the bill by replacing all after the enacting clause with the following:



1 Committee Established. There is established a committee to study the structure of alcohol and drug abuse prevention services.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. The committee shall solicit information from all appropriate department heads and any other relevant source.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the structure and delivery of alcohol and drug abuse services. The committee's study shall include, but not be limited to:

I. The current organizational structure and delivery of alcohol and substance abuse services and the feasibility of establishing an office of substance abuse services within the office of the governor.

II. Establishing the New Hampshire council on drug abuse prevention to:

(a) Coordinate, collaborate, and consult on the approval of substance abuse prevention programs and the distribution of federal and state funds appropriated or granted for such purposes.

(b) Establish a statewide master plan for substance abuse prevention, including strategy and programs.

(c) Make recommendations for legislation.

(d) Devise methodology to measure results of all substance abuse prevention programs.

III. The methods of funding future prevention programs and whether the use of moneys from the tobacco settlement would be appropriate.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the structure of alcohol and drug abuse prevention. Adopted.

Report adopted and ordered to third reading.

**HB 669-FN**, relative to the determination of current comparable compensation for persons with gainful earnings who receive disability retirement benefits. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: Under the present statute a member injured on the job may return to work in the hopes that they will be able to return to the position held prior to the injury. If the member then retires with a disability pension, the outside earning capacity is based upon the position last held. Under this bill, the outside earnings capacity will be based upon the position held when the injury occurred. This change will apply to members in group I and group II of the New Hampshire Retirement System. The cost of the program will be a one time cost upon the retirement system and will not affect the employers or employees contributions to the system. Vote 16-0.

Adopted and referred to Finance.

### MOTION TO SPECIAL ORDER

Rep. Mock moved that **CACR 22**, relative to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed, be made a Special Order for the next session day in the regular calendar order.

Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 578**, relative to a recovery against a third party related to a workers' compensation claim. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy W. Wall for Labor, Industrial and Rehabilitative Services: The present law has worked effectively. The employee is compensated for lost earnings no matter the circumstances, since workers' compensation is a no-fault system. The court recognized double recovery by providing reimbursement to the carrier. The existing statute strikes a delicate balance between the rights of the worker who will receive workers' compensation benefits regardless of who may be at fault. The new provision would allow too much discretion to the court or the Department of Labor. Vote 13-6.

Rep. Daniels moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 627-FN-A**, relative to establishing a differential between special fuel and gasoline taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Gerald P. Merrill for Public Works and Highways: This bill would tax fuel based on the energy content of a gallon of fuel and change the rate of taxation from \$0.18 per gallon for all fuels to \$0.178 per gallon for gasoline, and \$0.197 per gallon on special (or diesel) fuel. The committee recognizes the sponsors' theory that diesel fuel has 11% more energy content, but the committee considered that there are other factors that affect the efficiency of fuel use. Such an increase in diesel fuel tax (about 10%) is not appropriate at this time, considering the state made a significant change a few years ago by taxing at the pump, which increased revenue from diesel operators. Vote 13-0. Rep. MacGillivray spoke against.

Rep. Edwin Smith spoke in favor and yielded to questions.

On a division vote, 232 members having voted in the affirmative and 62 in the negative, the report was adopted.

Rep. Rubin declared a conflict of interest and did not participate.

**HB 625-FN-A**, relative to a mercury emissions reduction and control program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Jeb E. Bradley for the Majority of Science, Technology and Energy: This bill creates a Mercury Emissions Reduction and Control Program, which is part of a New England wide effort. Mercury is a very potent and toxic pollutant that leads to human health and environmental problems. New Hampshire and 36 other states currently have a fresh water fish consumption advisory. Most air pollution is measured on a per ton basis. Mercury, due to its toxicity, is measured by the pound. The committee heard testimony from many individuals in numerous work sessions that even small amounts of mercury are hazardous. The evidence supporting this finding is not in doubt. The Department of Environmental Services (DES) mercury reduction plan lists numerous scientific studies about mercury's harmful effects.

This bill establishes mercury emission limits for the two waste to energy trash combustors in Concord and Claremont. These two facilities represent 35% of the man-made mercury emissions in New Hampshire. The Concord facility produces 402 pounds and the Claremont facility 155 pounds. Other significant sources are small waste combustors, medical waste incinerators, and coal-fired power plants. Common products such as button batteries, fluorescent lights, older thermometers, switches, and household medical waste may all contain mercury, which is released into the environment when incinerated. The bill establishes a state standard for mercury emissions from incinerators. These standards are somewhat tighter than federal standards. When implemented it is expected by DES that the pollution control equipment will remove 95% of mercury emissions from incinerators. Current federal standards apply to incinerators burning 250 tons of rubbish per day, which includes the Concord facility. The Claremont facility incinerates 240 tons per day. Federal standards for smaller facilities such as Claremont have been proposed by the Environmental Protection Agency and are currently at the Office of Management and Budget for review. It is expected by the operator of the Claremont facility and DES that these proposed federal standards will become effective early next year and implemented perhaps two years later. The committee received testimony that meeting the more stringent standard for the Concord facility added little additional cost to the pollution control technology.

However, regarding the Claremont facility, the committee received extensive testimony from New Hampshire/Vermont Solid Waste Project, a 29 town multi-state trash disposal district that has a reservation agreement for rubbish disposal with the private company which owns the incinerator.

The Project outlined the cost of the mercury control equipment and stated that the cost to the 15 New Hampshire communities to meet the federal standard is \$561,816 and the additional cost to meet the state standard is \$304,317. The committee heard testimony from the Attorney General's Office that because the incinerator is privately operated and then contracts for trash incineration capacity with 15 New Hampshire communities, Article 28-A does not apply. The majority of the committee; however, felt that with the absence of a clear federal standard (though fully expecting one in the near future) the appropriate course of action is to fully fund the New Hampshire share of the pollution control equipment or \$866,133. If this amount is agreed to, it is expected to be paid in installments of \$173,227 for five years. It is expected that installment payments would begin in the next budget cycle, as the emission limit compliance is effective on July 1, 2001.

The committee heard testimony that raised concerns about additional mercury in the ash landfills. Due to this concern the amendment instructs DES to conduct a study in order to maximize protection from ash contaminants. DES testified that despite ash concerns, on-going monitoring of the ash landfills indicates that the landfill liners have never been breached, that testing of monitoring wells has not shown contamination, and that landfill leachate has been tested and has not indicated any mercury contamination. The amendment also requires DES to continue its current groundwater testing program. DES testified that when moisture is added to the ash and transferred to the landfill in closed containers, the ash coalesces into a relatively hard and stable product. DES also testified that while landfilling incinerator ash is not a perfect environmental solution, it is far preferable to carefully control and monitor ash than it is to allow for uncontrolled emissions of mercury into the air.

Other concerns were expressed about the bill. One concern is that a magic bullet technology may exist which would remove other pollutants. DES testified that unfortunately no such technology exists. Questions were raised as to why hospital incinerators and coal-fired power plants were not included in this legislation. DES testified that as of the end of this year 27 out of 38 hospital incinerators will have closed and that DES is actively examining emissions limits on the remaining hospital plants. DES indicated that while technology is being developed to retrofit coal plants it is not yet available. The bill calls for study of control options for coal plants, hospital incinerators, and smaller municipal incinerators. Lastly, there was concern expressed that the pollution control equipment was designed for larger facilities. DES and the plant operator both testified that equipment that had been installed on other incinerators functioned as expected and met mercury reduction expectations. While no plant the exact size of the Claremont facility had been retrofitted, both DES and the plant operator were completely confident that the control technology would work as designed and remove 95% of mercury emissions.

The majority of the committee recommended six additional months for implementation of the controls, or until July 1, 2001, for the Claremont facility so that the ash landfill study could be completed and so that residents of the area who want to pursue a buy out of the reservation agreement for trash disposal may have ample time to do so. The majority of the committee rejected efforts to remove that facility from pollution control requirements because it is the third largest source of mercury emissions in New Hampshire and the majority of the committee believes uncontrolled mercury emissions are indeed a public health and environmental threat. Vote 16-4.

Rep. Gary R. Gilmore for the Minority of Science, Technology and Energy: For quite different reasons the minority oppose the current version of this legislation. One expressed concern is the lack of scientific studies documenting the adverse effect of mercury that warrant such public expenditures be it on the state or local level. Another concern is the uncertainty regarding the formation of the "Claremont" Solid Waste District and the financial obligations, which this bill could obligate those communities to absorb. A further concern is the inclusion of the Claremont Wheelabrator facility at a time in which there are no federal regulations for the emission of mercury for a facility the size of Claremont and the safeguards as outlined in this legislation are untested for a facility of this size.

#### **Amendment (0788h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to a mercury emissions reduction and control program and a study of mercury in ash landfills.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Mercury Emissions Reduction and Control Program. Amend RSA by inserting after chapter 125-K the following new chapter:

## CHAPTER 125-L

## MERCURY EMISSIONS REDUCTION AND CONTROL PROGRAM

## 125-L:1 Findings and Purpose.

I. The general court finds that mercury is a persistent, toxic pollutant that accumulates in the food chain and poses a significant adverse threat to the state's public health and welfare and to the natural environment, including fish and wildlife. As a potent neurotoxin, mercury exposure in humans can lead to birth defects, brain damage, elevated blood pressure, abnormal heart rhythms, low grade intermittent fevers, gastrointestinal irritation, muscle degeneration, and even death. The effects of mercury exposure on plants include decreased chlorophyll production, inhibited growth, root and leaf damage, accelerated aging, and death. Reproductive problems are the primary concern for birds. In response to the human health risk posed by mercury, the state of New Hampshire has issued a statewide advisory on the consumption of fresh water fish. This fish consumption advisory applies to all freshwater fish species collected from all inland waters. It advises women of childbearing age and young children to limit their consumption of freshwater fish to no more than one meal per month; all other people are advised to limit their consumption to no more than four meals per month. The Department of the Interior and the Department of Commerce have estimated that fishing expenditures in the state equal approximately \$320 million annually, while the American Sportfishing Association has estimated that these expenditures support about 7,700 jobs in New Hampshire. Consequently, mercury deposition may have an impact on New Hampshire's recreational economy.

II. The general court further finds that deposition of mercury and mercury compounds is occurring in the state of New Hampshire. While the majority of emissions originate from sources outside of New Hampshire, sources within the state also contribute to mercury deposition in New Hampshire and in the northeast region. Therefore, it is incumbent upon the state of New Hampshire to undertake prudent action to reduce its contribution to mercury deposition. Approximately 98 percent of the mercury emitted by anthropogenic (man-made) sources in New Hampshire comes from the incineration of municipal solid waste and medical waste, and from the combustion of fossil fuels, such as coal and oil.

III. The general court acknowledges that in June of 1998, the New England states and the eastern Canadian provinces jointly endorsed the implementation of a Regional Mercury Action Plan calling for the virtual elimination of anthropogenic mercury emissions, with an interim goal of reducing mercury emissions 50 percent by the year 2003.

IV. The general court recognizes the importance of additional research into the human health and ecological impacts of mercury contamination, the development of technologies to reduce and measures to avoid mercury emissions to the ambient air from sources such as coal-burning electricity generation plants, and the assessment of the relative cost-effectiveness of such technologies and measures. The general court finds, however, that reducing the substantial mercury emissions from municipal waste combustors and hospital medical and infectious waste incinerators through the use of existing technology where it can be applied cost effectively is prudent environmental policy for the state of New Hampshire.

V. Ash landfills which serve municipal waste combustors may experience increased mercury levels in the ash disposed at such landfills as a result of efforts to lower mercury emissions from such municipal waste combustors. Therefore, the general court finds that it is appropriate to implement mercury controls on municipal waste combustors after the department of environmental services conducts a detailed study and review of the ash landfills in the state to make certain that all necessary safeguards are in place to protect against environmental degradation from such sources and ensure the protection of drinking water supplies.

## 125-L:2 Definitions.

I. "Commissioner" means the commissioner of the department of environmental services.

II. "Control efficiency" means the percentage of mercury removed by the pollution control system expressed as a percentage of the total mercury that is introduced into the pollution control system.

III. "Department" means the department of environmental services.

IV. "Design capacity" means the maximum design 24-hour charging rate of a municipal waste combustor capable of continuously burning municipal solid waste.

V. "Eligible costs" means that percentage of the cost incurred by any municipality legally obligated to pay for pollution control equipment required as a result of the enactment of this chap-

ter, including the cost of engineering services, installation, and related services, as well as the actual capital cost for the pollution control equipment. Eligible costs shall exclude any administrative, legal, operational, and fiscal costs related to the pollution control equipment.

VI. "Governor" means the governor of the state of New Hampshire.

VII. "Hospital, medical and infectious waste incinerator" means any device that combusts any amount of hospital waste or medical/infectious waste.

VIII. "Hospital waste" means discards generated at a hospital, except unused items returned to the manufacturer. Hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

IX. "Medical/infectious waste" means "medical/infectious waste" as defined in 40 CFR 60.51c.

X. "Municipal solid waste" means solid waste generated at residences, commercial or industrial establishments, and institutions, but excluding construction and demolition debris, automobile scrap and other motor vehicle waste, infectious waste, asbestos waste, contaminated soil and other absorbent media and ash other than ash from household stoves.

XI. "Municipal waste combustor" or "combustor" means a device that combusts solid, liquid, or gaseous municipal solid waste for the primary purpose of volume reduction or disposal. Municipal waste combustors do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

XII. "Solid waste" means "solid waste" as defined by RSA 149-M:4, XXII.

125-L:3 Mercury Reduction and Control Program. The department shall develop a mercury reduction and control program. The program shall include, but is not limited to, the following:

I. Any municipal waste combustor with a design capacity to burn 100 tons per day or more of municipal solid waste shall reduce its mercury emissions to achieve a mercury emission rate of no greater than 0.028 milligrams per dry standard cubic meter (mg/dscm) corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

II. The department shall evaluate the technical and economic feasibility of establishing a mercury emission limit of 0.028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis for:

(a) Municipal waste combustors with a design capacity to burn less than 100 tons per day of municipal solid waste; and

(b) Hospital, medical and infectious waste incinerators.

III. The department shall evaluate the technical and economic feasibility of establishing a mercury emission limit for coal-burning electricity generation plants.

125-L:4 Rulemaking Authority. The commissioner shall adopt rules, under RSA 541-A relative to:

I. Procedures and frequency for stack testing, testing protocols, measurement methods, and other such actions as may be necessary to verify compliance with this chapter.

II. Fees for implementing and enforcing the terms and conditions relating to reduction of mercury emissions of a permit issued in accordance with RSA 125-C.

III. Establishment and administration of the grant program in accordance with RSA 125-L:8.

125-L:5 Compliance.

I. No person shall operate a municipal waste combustor with the design capacity to burn 100 tons per day or more of municipal solid waste without a temporary or operating permit issued by the department in accordance with RSA 125-C. Any source subject to this section shall file a complete application for a permit or permit modification under the provisions of RSA 125-C and a plan for achieving compliance with this chapter. Combustors with a design capacity of 250 tons per day or more shall submit such plan and application by July 1, 2000 in order to comply by January 1, 2001 with the emission limits established by this chapter. Combustors with a design capacity of less than 250 tons per day but not less than 100 tons per day shall submit such plan and application by January 1, 2001 in order to comply by July 1, 2001 with the emission limits established by this chapter.

II. Until 6 months prior to the date set under paragraph I for complying with an emission limit, the owner of a combustor may request a single extension of time of not more than 6 months, for compliance with this chapter. The commissioner shall grant the extension if, based on the information presented, compliance with the applicable emission limit is not achievable by the compliance date due to, but not limited to, engineering constraints, availability of equipment, or other justifiable technical reasons. The commissioner shall not consider issues of cost or economic hardship in granting the extension.

## 125-L:6 Enforcement.

I. All of the enforcement provisions of RSA 125-C:15 shall apply to violations of this chapter.

II. Each day of a continuing violation shall constitute a separate violation.

125-L:7 Variances. Any variance granted under this chapter shall be granted by the commissioner upon application and after a hearing, in accordance with RSA 125-C:16.

## 125-L:8 Financial Assistance to Communities.

I. The department shall establish a grant program to reimburse eligible costs to those New Hampshire municipalities served by municipal waste combustors affected by the emission limits established by this chapter. The state, through this grant program, shall reimburse 100 percent of eligible costs, including amortization charges, meaning principle and interest, resulting from the installation of the pollution control equipment required as a result of the enactment of this chapter. The department shall reimburse those eligible costs over the same period as any such municipality has amortized such costs, provided that such amortization period shall not be less than 5 years.

II. The department shall determine the eligible costs of each municipality served by a municipal waste combustor subject to this chapter and reimburse such eligible costs and, with prior approval of the joint legislative fiscal committee and the governor and council, reimburse each municipality subject to the funds as appropriated by the legislature for this purpose.

2 Ash Landfill Study. The department of environmental services shall study the implications of having increased mercury levels in ash in order to ensure maximum protection measures from ash contaminants. The department shall review current environmental protection practices at ash landfills that serve combustors with a design capacity of 100 tons per day or more, including methods used to handle and treat ash, the adequacy of leak detection systems and groundwater monitoring, and the ability to effectively mitigate environmental contamination, if it should occur, to protect drinking water supplies. The department shall report its findings by February 1, 2000 to the house science, technology and energy committee, the house environment and agriculture committee, the house resources, recreation and development committee, the senate environment committee, the governor, the state library, the New Hampshire/Vermont Solid Waste Project, all of the municipalities in the Sullivan County Regional Refuse Disposal District, and the Concord Regional Solid Waste/Resource Recovery Cooperative and its member municipalities.

3 Groundwater Monitoring. The department of environmental services shall continue to require, under its current permitting authority, groundwater testing around the ash landfills in the state and shall closely monitor the results for any contamination caused by leakage from the ash landfills.

4 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a mercury emissions reduction and control program.

This bill also requires the department of environmental services to conduct a study of the implications of increased mercury levels in the state's ash landfills in order to ensure maximum protection measures from ash contaminants.

Adopted.

Rep. Bradley yielded to questions.

Majority report adopted and referred to Finance.

**HB 694-FN**, relative to prevention and prohibition of MTBE contamination of drinking water, wells, and surface and groundwater resources. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee held a seven-hour hearing and several work sessions on this bill. As proposed the bill would have created a maximum contaminant level for methyl tertiary butyl ether (MTBE) of 14 parts per billion (ppb) in all waters of the state and 5 ppb in drinking water. The bill would have also banned delivery of any gasoline containing MTBE. Even conventional gas has contained 2% MTBE for a number of years. A complete MTBE ban is unworkable if a state wants to have adequate supplies of gas.

MTBE is a gasoline additive, which adds oxygen to the fuel in order to increase combustion. MTBE has been widely used in so-called reformulated gasoline for several years in the Northeast as a way of combating ozone air pollution. Currently, as part of New Hampshire's air quality plan, reformulated gas is required to be sold in Hillsborough, Merrimack, Strafford, and Rockingham counties but not in the remaining 6 New Hampshire counties where conventional gas is sold. Supposed clean

air benefits of reformulated gas have been a component of New Hampshire's ability to demonstrate compliance with the federal air standards. Reformulated gasoline also has a reduced concentration of benzene, a known carcinogen.

Unfortunately, MTBE is very water-soluble and if spilled can easily enter drinking water supplies. MTBE has been detected in 135 New Hampshire public drinking water supplies, although 108 of those supplies have been tested with levels below 5 ppb. Much literature was distributed to the committee, which concluded in the purpose statement of the amendment that MTBE is not a known carcinogen but that initial research indicates it may be found to be a carcinogen.

Based upon all of the many competing interests the committee amendment recommends a cautious and realistic approach to the problem of MTBE in drinking water. The Department of Environmental Services (DES) is requested to seek all necessary waivers from the Environmental Protection Agency (EPA) so that conventional gasoline may be used in the entire state. Supplies of conventional gas are readily available and if EPA acts quickly to grant the needed waivers, further MTBE water pollution problems can be averted.

The Commissioner of Department of Environmental Services is given authority with approval of Governor and Council to limit the concentration of MTBE in gasoline provided that other reasonably priced gasoline is available in New Hampshire, that alternative gasolines are less hazardous to humans and the environment, and that the necessary waivers are obtained from the EPA such that further air pollution reductions are not required.

The amendment directs public drinking water systems to notify customers if water contains MTBE in amounts greater than 5 ppb. It also requires that any drinking water standards adopted by DES for MTBE be no greater than 35 ppb. The amendment reduces the groundwater remediation standard from the federal 70 ppb to 35 ppb. Remediation is funded through the Oil Discharge and Disposal Cleanup Fund. As introduced, the bill had a fiscal note of \$1,055,000 per year in increased state costs. The committee requested a revised fiscal note, which indicated a lower fiscal impact of \$440,000 annually. The fiscal impact is far less due to the change in the groundwater remediation standard from 14 ppb to 35 ppb. The committee considered the bill and voted ought to pass 16-3. After the lower revised fiscal note, the bill was reconsidered by the committee and the vote was 19-1 ought to pass. The committee believes the bill, as amended, represents a realistic approach (along with a previously approved study bill HB 592) to a problem that hopefully will be solved in the long run through alternative additives in gasoline on a nationwide basis. Other states, most notably California, are applying this sort of pressure on EPA and gasoline manufacturers. The committee is very aware that before an MTBE ban can occur alternative supplies at reasonable prices must exist that present less environmental risks. Vote 19-1.

### **Amendment (0667h)**

Amend the bill by replacing all after the enacting clause with the following:

#### **I Findings and Recommendations.**

I. The general court finds that New Hampshire's participation in the federal reformulated gasoline program in Strafford, Merrimack, Hillsborough, and Rockingham counties, in order to comply with federal air pollution regulations, has had mixed results. The oxygenate methyl tertiary butyl ether (MTBE) is a major constituent of reformulated gasoline. Though MTBE's presence in gasoline has helped reduce harmful automobile tailpipe emissions and toxic constituents such as benzene, unintended contamination to the state's water resources has occurred. MTBE is extremely water-soluble and even the smallest spills of gasoline may allow MTBE to migrate into the ground water. While MTBE is not a known or probable carcinogen, initial research indicates that it may be found to be a carcinogen.

II. A recent preliminary study in Maine found detectable levels of MTBE in 15.8 percent of private wells and 16 percent of public water supplies. Levels of MTBE were below 5 parts per billion in 97 percent of Maine's tested private wells and 98.6 percent of Maine's tested public supplies. Due to similar soil and bedrock characteristics in New Hampshire, it is reasonable to assume that New Hampshire would find similar contamination levels in its water supplies if testing were done. Maine has adopted a 35 part per billion health standard.

III. The general court finds that alternatives to using MTBE in gasoline may have undesirable environmental effects, that restricting MTBE in gasoline may cause significant gasoline supply disruptions and price increases, and that regulation by the state of MTBE levels in gasoline may

not be legal under federal law. The general court finds that the only realistic, near term means of lowering MTBE levels in gasoline, while avoiding supply disruptions and price increases, is reverting to the use of conventional gasoline as is currently allowed in the six New Hampshire counties that have demonstrated attainment of federal air quality standards. An Environmental Protection Agency waiver is necessary to use conventional rather than reformulated gasoline in Strafford, Merrimack, Hillsborough, and Rockingham counties.

IV. The general court finds that, based on available information, there is not an imminent threat to public health due to MTBE contamination. However, the general court believes that there is a sufficient threat of groundwater contamination to warrant preventive action in order to protect drinking water supplies and prevent costly remediation of MTBE contaminated groundwater.

V. Therefore, the general court recommends that:

(a) The department of environmental services and the department of health and human services continue to monitor New Hampshire's public and private drinking water supplies.

(b) Both departments continue to study MTBE alternatives.

(c) The ambient groundwater quality standard for MTBE be reduced from 70 parts per billion to 35 parts per billion.

(d) The commissioner of the department of environmental services seek all necessary waivers from the Environmental Protection Agency such that conventional gasoline (or some other substitute gasoline that is readily available and reasonably priced) may immediately replace reformulated gasoline in Strafford, Rockingham, Hillsborough, and Merrimack counties until January 1, 2002. As such waivers would be temporary, they shall not be predicated upon the state implementing substitute air emissions reduction strategies in order to comply with the state implementation plan.

(e) The commissioner of the department of environmental services be given the authority to require lower MTBE concentrations in gasoline upon determining that readily available and reasonably priced substitute gasoline supplies exist, that alternative gasoline formulations are less hazardous to humans and the environment, and that such gasoline alternatives are approved for use in New Hampshire by the Environmental Protection Agency.

(f) The commissioner of the department of environmental services explore all mitigation alternatives, including but not limited to, the commissioner's authority to enforce the New Hampshire safe drinking water act under RSA 485.

2 New Subdivision; Methyl Tertiary Butyl Ether (MTBE). Amend RSA 485 by inserting after section 16 the following new subdivision:

Methyl Tertiary Butyl Ether (MTBE)

485:16-a Drinking Water Standards and Notification.

I. Drinking water rules adopted under RSA 485:3 for methyl tertiary butyl ether (MTBE) shall at a minimum comply with the ambient groundwater quality standard established for MTBE under RSA 485-C:6, IV.

II. Any public water system delivering water with greater than 5 parts per billion of MTBE shall notify each customer of the MTBE content.

485:16-b Authority to Limit MTBE in Gasoline; Penalties.

I. The commissioner, after consultation with the commissioner of health and human services, may limit, with the approval of the governor and council, the concentration of MTBE allowed in any gasoline sold in all or part of the state after first holding a public hearing on the issue and certifying to the air pollution advisory committee established in RSA 125-J:11 that gasolines which meet such limit are:

(a) Readily available to New Hampshire consumers at a reasonable price;

(b) Less hazardous overall to humans and the environment than gasoline having higher MTBE concentrations taking into account all exposure routes, including air and water; and

(c) Approved for use in New Hampshire by the Environmental Protection Agency without a requirement to substitute additional air emissions reductions.

II. Nothing in this section shall prohibit the commissioner from phasing in any limitations approved under paragraph I.

III. Retail sellers of gasoline and the suppliers to such retail sellers shall comply with the provisions of paragraph I or be subject to the enforcement provisions of RSA 485:58.



IV. The limitations on MTBE concentrations established under the provisions of this section shall be exempt from the requirements of RSA 541-A, the administrative procedure act. The department shall file, however, in the office of legislative services a copy of all rules adopted, amended, or repealed under this section by the department.

3 New Paragraph; Water Management and Protection; Groundwater Protection Act; Ambient Groundwater Quality Standards; Methyl Tertiary Butyl Ether (MTBE). Amend RSA 485-C:6 by inserting after paragraph III the following new paragraph:

IV. The ambient groundwater quality standard for methyl tertiary butyl ether (MTBE) shall be 35 parts per billion.

4 New Subparagraph; Proceedings in Special Cases; Administrative Procedure Act; Exceptions; Limits on Methyl Tertiary Butyl Ether. Amend RSA 541-A:21, I by inserting after subparagraph (u) the following new subparagraph:

(v) RSA 485:16-b, I relative to limits on the concentration of methyl tertiary butyl ether in gasoline.

5 Effective Date.

I. RSA 485:16-a, I as inserted by section 2 of this act and section 3 of this act shall take effect July 1, 2000.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes an ambient groundwater quality standard for MTBE and permits the commissioner of the department of environmental services to set limits on the concentration of MTBE in gasoline.

Adopted.

Report adopted and referred to Finance.

### SENATE MESSAGE

#### ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

**HB 117**, establishing a uniform education property tax and a utility property tax, increasing the business profit and real estate transfer taxes, and including other sources of revenue to provide funding for an adequate public education and making an appropriation therefor.

The President appointed Sens. Hollingworth, Fraser, Larsen, McCarley and D'Allesandro. (Alternates: Sens. Blaisdell and Klemm)

### REGULAR CALENDAR (CONT'D.)

**HB 293**, relative to the definition of "party" for election purposes. **INEXPEDIENT TO LEGISLATE** Rep. Paul A. Gibbons for Election Law: This bill expands the circumstances under which a political organization qualifies as a party for election purposes. As the definition of "party" was written last session and just went into effect 1/1/99, the Committee found no need to redefine or expand the definitions at this time Vote 16-0.

Reps. Brewster and Kennedy spoke against.

Rep. Buckley spoke in favor and yielded to questions.

Rep. Rose moved Re-commit to Committee and spoke in favor.

Rep. Arndt spoke against.

The motion to Re-commit to Committee failed.

The question now being the adoption of the report.

Rep. Brewster requested a roll call; not sufficiently seconded.

On a division vote, 259 members having voted in the affirmative and 26 in the negative, the report was adopted.

### SPECIAL ORDER WITHOUT OBJECTION

Without objection, the Speaker made **HB 389**, relative to procedures for apportioning state representatives among counties and among legislative districts, a Special Order for the next session day in the regular calendar order.

**REGULAR CALENDAR (CONT'D.)****HB 458**, relative to voter qualifications. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane A. Clemons for Election Law: This bill removes the requirement that an inhabitant must establish a domicile in order to be able to vote. It also provides that a person may not be denied voting eligibility on the sole basis that a person has a non-traditional residence. This bill would allow the homeless, persons in homeless shelters or shelters for abused spouses, who for safety reasons may be incognito, access to the voting process, even if their place of abode is temporary. The Committee, trying to be inclusive regarding the electoral process felt this addressed a group of people often left out of the process due to temporary or unusual circumstances Vote 12-1. Rep. Clegg moved Re-commit to Committee and spoke in favor. Adopted.

**HB 646-FN**, relative to the vesting period for New Hampshire retirement system benefits. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would have reduced the present vesting period from 10 years to a period of 7 years. The committee heard very few reasons why this should be done. To make this change in the vesting period will cause a large increase in the employer contributions. The actuary has determined that this change will add \$ 1.3 million to the employer contributions. The committee felt that the cost outweighed the benefits and voted the bill inexpedient to legislate. Vote 17-0. Adopted.

**RESOLUTION**

Rep. Whalley offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Call of the Chair. Adopted.

**LATE SESSION****Third reading and final passage**

**HB 438**, relative to certain changes to the membership of the advisory committee on child care.

**SB 65**, establishing a study committee to review field activities conducted by the department of health and human services relative to children, youth and families.

**SB 130**, establishing a committee to study issues regarding procedures and standards for selection and supervision of court-appointed guardians ad litem.

**HB 322**, relative to funds provided by a mortgagee at real estate closings.

**HB 535**, establishing a committee to study the department of resources and economic development.

**HB 736**, ratifying the 1999 Allenstown annual town meeting.

**HB 463-L**, relative to local regulation of junk yards and altering the definition of federal aid primary system for purposes of the laws regarding highway regulations, protection and control regulations.

**HB 421**, relative to penalty provisions for the law regarding control of marine pollution, exotic aquatic weeds, and other aquatic growth.

**HB 325**, prohibiting "cramming" in telecommunications billing.

**HB 538**, establishing a committee to study the new construction and repair of New Hampshire commemorative monuments at certain Civil War battle sites.

**HB 477-FN**, changing certain requirements for temporary plates on motor vehicles.

**HB 265**, relative to the student trustees on the university system of New Hampshire board of trustees.

**HB 341**, relative to the process for nonrenewal of teacher contracts.

**HB 225**, relative to the definitions of the terms "farm," "agriculture," and "farming."

**HB 379**, setting up a study committee to study issues pertaining to the Sullivan county regional refuse disposal district.

**HB 410**, relative to the enforcement authority of the department of environmental services.

**HB 650-FN-A**, establishing a committee to study the structure of alcohol and drug abuse prevention services.

**RECESS MOTION**

Rep. Whalley moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 5:55 p.m.

**RECESS**

**(Rep. Chandler in the Chair)**

**RESOLUTION**

Rep. Kurk offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 742, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 742**, defining "domestic employee" for purposes of workers' compensation. (Daniels, Hills 13: Labor, Industrial and Rehabilitative Services)

**RESOLUTION**

Rep. Kurk offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 11, 13, 24, 47, 129, 134, 145, 170, 176, 186, 187, 192, 193, 207, 208 and 216 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 11-FN**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. (Commerce)

**SB 13**, relative to the bonding authority of joint boards in joint maintenance agreements and relative to the eligibility of joint maintenance agreement districts for school building aid. (Education)

**SB 24**, extending the application of certain provisions of the child protection act to all children in out-of-home placements. (Children and Family Law)

**SB 47-FN**, relative to compensation for time lost by fish and game conservation officers for injuries received in the line of duty, and restoring certain leave time for a conservation officer injured while on duty on August 19, 1997. (Executive Departments and Administration)

**SB 129-L**, requiring school districts to disclose any reimbursements received to offset special education expenditures. (Finance)

**SB 134-FN**, relative to medicaid reimbursement rates and dental care. (Finance)

**SB 145-FN-A**, relative to state financial aid for state fairs, and making an appropriation therefor. (Finance)

**SB 170-FN-A**, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor. (Education)

**SB 176-FN-A**, relative to technology support for individuals and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

**SB 186-FN**, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance. (Executive Departments and Administration)

**SB 187-FN-L**, relative to payment of group health insurance premiums for eligible retired teachers in the New Hampshire retirement system. (Executive Departments and Administration)

**SB 192**, relative to vital records. (Health, Human Services and Elderly Affairs)

**SB 193-FN**, relative to holiday pay for certain state employees. (Executive Departments and Administration)

*SB 207*, relative to authorizing bonds for the construction and renovation of regional vocational education centers. (Finance)

*SB 208-FN*, establishing a "parents as scholars" program. (Education)

*SB 216-FN*, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. (Executive Departments and Administration)

### SENATE MESSAGE

#### CONCURRENCE

*HB 90*, removing the prohibition on adoption and foster parenting by homosexual persons.

*HB 229*, changing the registration fee requirement of the commercial feed law.

*HB 238-FN-A*, allowing the production and sale of American ginseng in the state of New Hampshire and making an appropriation therefor.

*HB 307*, establishing a committee to study the negotiated risk agreements when patients desire to remain in a facility over the recommendations of the department of health and human services.

*HB 418*, relative to accounts and reporting dates of certain funds in the fish and game department.

*HB 520*, relative to an open season for chukar partridge.

#### RECESS

#### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 16

Thursday, April 29, 1999

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Dr. Scott Erickson, Chaplain of St. Paul's School in Concord.

Almighty God, our Heavenly Father, we thank You for these Your Servants, who seek to serve New Hampshire in a spirit of justice and truth. We pray You to send down upon all who hold office in this state the spirit of wisdom and charity, that with steadfast purpose they may faithfully serve in their offices to promote the well-being of all people. We pray especially today that Your guidance will allow these, our representatives, to work hard on behalf of our children; that together in a spirit of cooperation we will find ways to provide an excellent education to all young people in New Hampshire. We pray also for our friends in Littleton, Colorado, who grieve in these difficult days of loss. May we in New Hampshire work hard to make our schools safe places for all students and adults. And we pray for peace in our land, but especially in Kosovo. May we never be fearful to do what is right, and to uphold all people in love. These things we ask in thankfulness for the tasks that lie ahead in this House. Amen.

Reps. Langer and Fields led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Courchesne, Doucette, Golden, Hansen, Hunter, McColgan and Searles, the day, illness.

Reps. Bergin, Berube, Burkush, Chabot, Peter Cote, Cox, Domingo, Dwyer, David Flanders, Claudette Jean, MacNeil, James McDonald, Norelli, O'Neil, Pantelakos, Shultis, Edwin Smith, Tholl, Weatherspoon and Zolla, the day, important business.

Reps. Nolan-Piteri and Mendenhall, the day, illness in the family.

### INTRODUCTION OF GUESTS

Hillsborough County Commissioners Carol Holden and Rhona Charbonneau, guests of the Hillsborough Delegation. Mary Dugano and Claire Chicoine, nieces of Rep. Cecelia Kane. Persis Gow, mother-in-law of Rep. Whalley. Patrick Wood, husband of Rep. Wood. Joshua Brothers, son of Rep. Brothers. Alice Johnson, Betty Cheney, and Patty Blackwood, guests of Rep. Ham. Cara Hard, daughter of Rep. Gibbons. Katherine, Alice and Dennis Sheehan, granddaughters and guest of Rep. Christiansen. Ed and Loretta Silva, guests of Rep. Vaillancourt.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 90, 207, 218, 229, 238, 288, 307, 355, 418, 490, and 520 and Senate Bills 65 and 130.

Rep. Ronald Nowe and Sen. Disnard, for the Committee

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 210**, reinstating the corporate charter of C. A. B. Real Estate, Inc. (Amendment printed SJ 14, 4/20/99)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 358**, relative to the term of office for members of the state board of education. (Amendment printed SJ 15, 4/22/99)

Rep. O'Hearn moved that the House concur and spoke in favor.

Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 585**, relative to preserving the use of state park lands for their original purposes, removed by Rep. Wiggins.

Consent Calendar adopted.

**HB 333**, relative to contracts between participating providers and managed care entities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: The bill creates in statute a specified time frame for which physicians have to review contracts with insurance companies. There are concerns that physicians don't have enough time to review contracts and thus enter agreements, which are somehow detrimental to the physician. The amendment changes the time from 90 days to 60, eliminates the requirement that new language be highlighted, and adds an applicability clause to only affect contracts after the effective date of this bill. The medical society strongly supported this bill, and the committee feels this will have little effect on health care costs. Vote 12-1.

#### Amendment (0915h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph: Review Required. Amend RSA 420-J:8 by inserting after paragraph VI the following new paragraph:

VII. A health carrier shall allow a participating provider 60 days from the postmarked date to review any proposed contract and any modifications to an existing contract.

2 Applicability. This act shall not apply to contracts entered into prior to the effective date of this act.

3 Effective Date. This act shall take effect January 1, 2000.

#### AMENDED ANALYSIS

This bill requires health carriers to allow the contracting participating provider 60 days from the postmarked date to review the proposed contract or any modification to an existing contract.

**HB 371**, relative to warranty coverage and liability for loss under a motor vehicle lease. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: The topics in this bill have been covered in the amendment to HB 331. Therefore, the committee found this bill inexpedient to legislate. Vote 13-0.

**HB 469**, raising the medical payments coverage under automobile insurance policies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: This bill raises the limits for minimum medical payments coverage under automobile insurance policies from \$1,000 to \$5,000. The testimony indicated that practically all policies today were already at \$5,000 and that the \$1,000 figure really wasn't sufficient to cover medical costs anymore. The cost for additional coverage ranges from \$20 to \$45 depending on value of automobile. Vote 16-2.

#### Amendment (0693h)

Amend the bill by replacing section 1 with the following:

1 Minimum Medical Coverage Payments Increased. Amend RSA 264:16, I to read as follows:

I. Any motor vehicle liability policy, as defined in RSA 259:61, covering a private passenger automobile and issued with respect to any motor vehicle registered or principally garaged in this state, shall provide coverage therein or supplemental thereto in an amount equal to or greater than [~~\$1,000~~] **\$5,000** per person for medical costs incurred as a result of injuries sustained in an accident involving the insured vehicle by the driver and passengers in said vehicle. [~~Provided that said~~] **Such** coverage shall apply only to medical costs incurred during one year following the date the injuries are sustained.

## AMENDED ANALYSIS

This bill raises the limits for minimum medical payments coverage under automobile insurance policies from \$1,000 to \$5,000.

**HB 473**, relative to small group health insurance. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Dennis P. Vachon for Commerce: The committee believes that this is an important issue warranting further study. The individual health insurance market continues to face difficult times despite measures adopted by the Insurance Department and this Legislature in prior years. It is self-evident that the marketplace is unable to effectively deal with this issue and that further governmental regulation may have to occur in order to increase the affordability and access to quality and choice health care for individuals also known as the non-group market. Vote 13-0.

**Amendment (0623h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the non-group health insurance market.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the issue of encouraging health insurance carriers to insure individuals from the non-group market.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study ways to encourage health insurance carriers to insure individuals from the non-group market.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill establishes a committee to study ways to encourage health insurance carriers to insure individuals from the non-group market.

**HB 511**, relative to the sale of certain mixed or prepared alcohol products. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: This bill would have expanded the distribution of 48 proof distilled spirits such as rum, vodka, cordials and schnapps to more than 1400 retail outlets throughout the state. The Liquor Commission does not believe that it will increase revenues to the state and, most importantly, many of these drinks have a large following in the under 21 population and the enforcement problems would greatly increase. This bill was opposed by the Retail Grocers and the Liquor Commission. Vote 13-0.

**HB 528**, adding penalty provisions to the unfair claim settlement practices by insurers law. **RE-REFER TO COMMITTEE**

Rep. Dennis P. Vachon for Commerce: The committee has chosen to accede to the request of the prime sponsor to re-refer this bill to the committee for further study. The issue of creating a private cause of action against insurance carriers is potentially very controversial and may require fine-tuning of the existing statutes referred to. Vote 10-3.

**HB 693-FN**, limiting access to certain business records. RE-REFER TO COMMITTEE

Rep. Joseph D. Kenney for Commerce: This bill, as introduced, addressed the ongoing process of out-of-state revenue departments auditing New Hampshire businesses who appear to have done business in that state. The bill was amended in committee to require any agency of another state to request business records disclosure by certified mail and to allow thirty days for that business to respond by certified mail. If the New Hampshire business does not respond within thirty days, the business would not have the protection of a court order. The National Federation of Independent Businesses spoke in favor of this amendment opposing the intrusion of out-of-state auditors without notice. The Commissioner of Department of Revenue Administration opposed the bill due to the fact there are safeguards in place to address reasonable cause and NEXUS if an out-of-state auditor comes into a New Hampshire business. The commissioner felt the 17 - 25 million dollars a year revenue collected by New Hampshire in other states could be in jeopardy by this bill. The committee felt this bill should be re-referred to allow further work on a more defined procedure for out-of-state auditors to follow. Vote 13-0.

**HB 346-FN-A**, relative to permissible fireworks. OUGHT TO PASS WITH AMENDMENT

Rep. Everett A. Wear for Criminal Justice and Public Safety: There have been several changes to the laws and regulations dealing with the handling, storage, and selling of fireworks in recent years. It has resulted in safer, more manageable procedures in dealing with fireworks. This bill allows a permit procedure for permissible fireworks separate from the permit procedure for display fireworks. It also authorizes the director of safety to approve or delete items from the list of permissible fireworks as submitted by the Permissible Fireworks Review Committee. It further sets forth restrictions, on who may obtain a permit to sell permissible fireworks and who may work as an employee selling permissible fireworks. Vote 13-0.

**Amendment (0679h)**

Amend RSA 160-B:6, VI as inserted by section 8 of the bill by replacing it with the following:

VI. A person who has a federal permit issued in accordance with *the provisions of* title 18, United States Code, governing fireworks, a state license issued pursuant to this section, and a local permit issued pursuant to this section may sell *display and consumer* fireworks; however, such a person shall only sell ~~them~~ *display fireworks* to a person who shows a certificate of competency issued pursuant to RSA 158:9-f, or who shows a license for the storage of ~~class B~~ *display* fireworks issued pursuant to RSA 158:9-c, or a license to sell ~~at wholesale as provided in~~ *display and consumer fireworks pursuant to* this chapter. Any sale which the seller makes shall be recorded, and the record, at a minimum, shall contain a copy of the purchaser's certificate of competency and display permit and, in the case of a wholesale sale, the purchaser's retail number from the state of residence, IRS tax identification number or such other information as the commissioner shall specify by rule adopted pursuant to RSA 541-A.

Amend RSA 160-C:3, III as inserted by section 14 of the bill by replacing it with the following:

III. The state license may be issued to an applicant who, at the time such license is issued, possesses a permit issued in accordance with the provisions of Title 18, United States Code, governing fireworks, and a permit issued pursuant to RSA 160-C:3, I. No license shall be issued for the sale of permissible fireworks unless the applicant establishes that it will locate its business in a permanent structure which meets all applicable fire safety codes, building codes, zoning codes, and the requirements of local ordinances. No license for the sale of permissible fireworks shall be issued to any person who has been convicted of any offense involving fireworks or explosives within the 2 years prior to the application or who has been found to have violated any fireworks or explosives laws, rules, or regulations within the 2 years prior to the application. No license shall be issued to any person under 21 years of age.

Amend RSA 160-C:3 as inserted by section 14 of the bill by inserting after paragraph IX the following new paragraph:

X. No licensee shall employ a person to handle or sell fireworks who has been convicted of any offense involving fireworks or explosives within the past 2 years or who has been found to have violated any fireworks or explosives laws, rules, or regulations within the past 2 years.

Amend RSA 160-C:15, I as inserted by section 14 of the bill by replacing it with the following:

I. Within 30 days of receiving the recommendation of the permissible fireworks review committee, the commissioner shall determine whether an item should be classified as a permissible firework under this chapter. The commissioner shall establish a list of items that have been classified as permissible fireworks.



Amend section 21 of the bill by replacing paragraph II with the following:

II. The remainder of this act shall take effect upon its passage.

Referred to Finance.

**HB 508**, relative to the nude photography of 16 and 17 year old subjects. **INEXPEDIENT TO LEGISLATE**

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: This bill establishes requirements for the nude photography of 16 and 17 year old subjects and imposes criminal penalties for unauthorized nude photography. While recognizing the potential for exploitation of 16 and 17 year olds in regard to nude photography, the committee agreed that definitions of "art," partial nudity and other areas of the bill were too broad to define for the purposes of this bill. Issues related to this topic were felt to be best resolved between the parents/guardians and their adolescent children within the context of the family unit. The committee recommends Inexpedient to Legislate. Vote 13-0.

**HB 683-FN**, requiring teachers and school administrators to report incidents of disruptive behavior by students. **RE-REFER TO COMMITTEE**

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: This bill adds criminal threatening by students to the list of offenses governed by RSA 193-D, the safe school act. The bill also requires parents to notify schools of such behavioral tendencies and provides a penalty for parental obstruction of reporting efforts. In this case the parent would be guilty of a class B felony. The majority of the committee has serious doubt about the wisdom of creating felony penalties for this activity. The subject matter, disruptive behavior by students in our schools, was the subject of a recent visit to the Police Standards and Training Academy by the Criminal Justice and Public Safety Committee and the House Education Committee. The CJ&PS Committee plans to study the subject of student violence before the next session and this bill would give the committee a vehicle for any legislation that may result from this study. The committee voted re-refer to committee for study Vote 14-0.

**HB 532**, establishing a commission to study early childhood education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris Estabrook for Education: This bill establishes a commission to identify and recommend services, which enrich home learning environments for young children through parenting education and support. Recent research on early brain development provides compelling evidence of the importance of early stimulation in maximizing children's potential for learning. Thus, the committee strongly supports further examination of ways parents, working with their communities and the legislature, can promote school readiness. Vote 18-1.

### Amendment (0226h)

Amend the bill by replacing section 3 with the following:

3 Membership; Organization; Meetings.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, one of whom shall be the chairperson of the education committee or designee, appointed by the speaker of the house.

(b) Two members of the senate, one of whom shall be the chairperson of the education committee or designee, appointed by the president of the senate.

II. The commission shall also consist of the following non-voting members:

(a) Two members appointed by the governor.

(b) One member appointed by the chairperson or other duly authorized executive officer of the New Hampshire Pediatric Society.

(c) Two members appointed by the chairperson of the New Hampshire Child Care Advisory Committee.

(d) One member appointed by the chairperson or other duly authorized executive officer of Good Beginnings.

(e) One member representing Early Headstart, appointed by the chairperson of the New Hampshire Headstart Directors' Association.

(f) One member appointed by the chairperson or other duly authorized executive officer of the Family Resource Center Network.

(g) One member appointed by the chairperson or other duly authorized executive officer of the New Hampshire Headstart Parents Association.

(h) One member representing the university of New Hampshire cooperative extension program, appointed by the chancellor of the university system of New Hampshire.

III. The commission may consult with such other individuals and organizations as it deems necessary.

IV. Commission members shall serve without compensation. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. The commission may hold its meetings at such times and in such places as it deems appropriate.

**SB 119**, relative to the withdrawal of a pupil from school. **OUGHT TO PASS**

Rep. Elizabeth K. Hoadley for Education: The Committee has real concern about the number of students who choose to leave high school. Still, to require a 16 or 17 year old student to wait as many as 60 days between deciding to withdraw and actually withdrawing would have little effect on lowering that number. Early interventions, no doubt, have far more impact on student withdrawals. Vote 12-2.

**HB 315**, permitting the distribution of certain campaign materials at polling places. **INEXPEDIENT TO LEGISLATE**

Rep. George F. Brown for Election Law: The committee felt that the intent of this bill was good. However, we felt that implementation would prove problematic. Poll officials would find it difficult to monitor the placement of campaign materials and ensure their compliance with the requirements of the law. Vote 12-0.

**HB 689-FN**, relative to campaign contributions and expenditures. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. Splaine for Election Law: This amendment totally replaces the content of the entire bill and creates a study committee of four (4) house members appointed by the speaker and two (2) senate members appointed by the senate president. By November 1st the committee is to report back on any suggestions relative to campaign contributions and expenditures, including campaign financing alternatives. The committee held a well-attended three (3)-hour public hearing and unanimously agreed the content of the original bill deserves further analysis and examination. Vote 15-0.

#### **Amendment (0890h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study campaign contributions and expenditures.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study campaign contributions and expenditures.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study campaign contributions and expenditures, including campaign financing alternatives.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill establishes a committee to study campaign contributions and expenditures.

**HB 289**, relative to eligibility for child day care assistance. **RE-REFER TO COMMITTEE**  
Rep. Joseph E. Stone for Finance: This bill provided that where dependent children reside with a caretaker relative who is not included in the assistance group, the income of such caretaker relative shall not under any circumstances be used to determine eligibility for any family assistance program. The Department of Health and Human Services after further review of the statute, policy and rule has determined that caretaker relatives could qualify for child assistance without regard to the caretaker relatives' income. As promised, they are reviewing their records to identify any caretaker relatives who were incorrectly denied child care assistance based on income. With this in mind the Committee has voted to re-refer the bill and await a confirmation that the department has indeed reviewed all of their records and have made sure no one has been denied child care assistance. At that time the committee will make its final recommendation. Vote 24-0.

**HB 488**, relative to the definition of a developmentally delayed child in the provision of special education services. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Finance: Based on a change in federal public law, the bill expands the definition of a developmentally delayed child (DDC) to include children ages 6 to 9. DDC designation and evaluation currently begins at age 3 and ends after age 5. The Department of Education indicates that the expanded definition can be used for problem children who do not fit neatly into one of thirteen categories of special education coding for which they must also qualify. As a result, the bill may result in the provision of more appropriate services at potentially lower cost. The new definition will not change the number of children eligible for services. Thus there should be no negative fiscal impact to the state or school districts. Vote 24-0.

**HCR 12**, urging the United States Congress to enact legislation which prohibits the federal government from recouping state tobacco settlement funds. **OUGHT TO PASS**

Rep. David J. Alukonis for Finance: This bill concerns the \$206 billion settlement agreement between 46 states and the 5 largest tobacco manufacturers. Pursuant to this settlement, New Hampshire is slated to receive in excess of \$1.3 billion over the next 25 years. The Committee believes that New Hampshire and each of the other states which is party to the agreement are best suited to receive these funds and are best able to determine the most responsible ways and means to utilize the settlement funds. This resolution urges the U.S. Congress to enact legislation which will deny efforts by the Federal Health Care Financing Administration to collect any portions of these funds or any other efforts by the federal government to earmark or impose any other restrictions on any state's use of the tobacco settlement funds. Vote 23-0.

**HB 440**, relative to access to copies of patient medical records. **INEXPEDIENT TO LEGISLATE**  
Rep. Eileen P. Dawe for Health, Human Services and Elderly Affairs: After much testimony was heard from all concerned and an investigation by the subcommittee, it was found that in most cases, patients receive copies of their records for a reasonable fee or at no charge. Patient records are transferred to a new provider at the patient's request at no charge. State law requires physicians to release medical records regardless of whether the patient has an outstanding bill. It was felt that the free enterprise system is working well and that most problems stem from isolated cases or major court trials. Vote 17-0.

**SB 19**, extending the reporting date of the state substance abuse treatment delivery system committee. **OUGHT TO PASS**

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: The committee voted unanimously to extend the reporting date of the state substance abuse treatment delivery system committee. Vote 16-0.

**CACR 13**, relating to the administrative office of the courts. Providing that there shall be an independent administrative office of the courts; that rulemaking authority shall be transferred from the chief justice of the supreme court to the administrative office of the courts; and that the actions of the administrative office of the courts shall be subject to the approval of the legislature. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This CACR seeks to repeal Article 73-a of the second part of the constitution in order to create an independent administrative office of the courts. It also seeks to transfer rulemaking authority from the chief justice of the supreme court to the independent

administrative office of the courts and to make the actions of the administrative office of the courts subject to the approval of the legislature. The committee felt that the existing administrative office of the courts is performing the task of administering the courts as required by the constitution and there is therefore no need for the proposed changes. Given the above, the committee felt that this legislation would violate Part 1st, Art. 37 requiring that the three branches of government "ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit....". The committee had discussion concerning the last sentence of 2<sup>nd</sup> Part, Art 73-a which stated, "the rules so promulgated shall have the force and effect of law", but felt that this CACR was not the proper vehicle in which to address concerns regarding that sentence. Vote 13-0.

**HB 251**, relative to official ballot procedures. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Betsey L. Patten for Municipal and County Government: This bill adds two dates that SB 2 towns and school districts may choose to hold their second session – the second Tuesday of April or the second Tuesday of May. The teacher nomination notification date has been amended to read "within 15 days" of the adoption of the school budget but no "notification shall occur later than the Friday following the second Tuesday in May." The amendment also clarifies, for SB 2 towns and districts, that final budgets and question shall be printed in the annual report which has to be available at least one week prior to the second session. Vote 14-0.

### Amendment (0913h)

Amend the bill by replacing all after the enacting clause with the following:

1 Town Meetings; When Held. Amend RSA 39:1 to read as follows:

39:1 Meetings, When Held. A meeting of every town shall be held annually on the second Tuesday of March, *or in accordance with RSA 40:13 if that provision is adopted in the town*, for the choice of town officers and the transaction of all other town business. A town meeting may be warned by the selectmen, when, in their opinion, there shall be occasion therefor. In no event shall a special town meeting be held on the biennial election day.

2 Reference to Meeting Time Lines. Amend RSA 40:13, II and II-a to read as follows:

II. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given ~~[in accordance with paragraph II-a]~~ *as otherwise provided in this section. Final budgets and ballot questions shall be printed in the annual report made available to the legislative body at least one week before the date of the second session of the annual meeting.*

II-a. Notwithstanding any other provision of law, all local political subdivisions which adopt this subdivision, *who have not adopted an April or May election date under RSA 40:14, X*, shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting:

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the first Tuesday in January.

(b) The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in January.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in January.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in January.

3 New Paragraphs; April Time Line; May Time Line; Voter Checklist. Amend RSA 40:13 by inserting after paragraph II-a the following new paragraphs:

II-b. Notwithstanding any other provision of law, all political subdivisions which hold their annual meetings in April shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting.

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the first Tuesday in February.

(b) The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in February.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in February.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in February.

II-c. Notwithstanding any other provision of law, all political subdivisions which hold their annual meetings in May shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting:

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the first Tuesday in March.

(b) The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in March.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in March.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in March.

II-d. The voter checklist shall be updated in accordance with RSA 669:5 for each session of the annual meeting.

4 Reference to April and May Meetings. Amend RSA 40:13, III to read as follows:

III. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot, shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays[-]; *between the first and second Saturdays following the last Monday in February, inclusive of those Saturdays; or between the first and second Saturdays following the last Monday in March, inclusive of those Saturdays* at a time prescribed by the local political subdivision's governing body.

5 Reference to April and May Meetings. Amend RSA 40:13, VII to read as follows:

VII. The second session of the annual meeting, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in March, *the second Tuesday in April, or the second Tuesday in May, as applicable*. Notwithstanding RSA 669:1, 670:1, or 671:2, the second session shall be deemed the annual election date for purposes of all applicable election statutes including, but not limited to, RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19, and 671:30-32; and votes on zoning ordinances, historic district ordinances, and building codes under RSA 675.

6 Method of Adopting Official Ballot Referendum Form of Meeting; Wording of Question. Amend RSA 40:14, V to read as follows:

V. The wording of the question shall be: "Shall we adopt the provisions of RSA 40:13 to allow official ballot voting on all issues before the (local political subdivision) *on the second Tuesday of (month)?*"

7 New Paragraphs; Date for Local Elections and Second Session of the Annual Meeting. Amend RSA 40:14 by inserting after paragraph IX the following new paragraphs:

X. In a local political subdivision which has not adopted RSA 40:13 and in which the adoption of RSA 40:13 is to be voted on, the question shall specifically state whether the date for local elections and the second session shall be the second Tuesday in March, the second Tuesday in April, or the second Tuesday in May.

XI. A local political subdivision which has adopted the provisions of RSA 40:13 may change the date for local elections and the second session as follows:

(a) The question may be inserted on the warrant for either an annual or special meeting, either by the local governing body or by petition under RSA 39:3 or RSA 197:6.

(b) A public hearing shall be held by the local governing body on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the town, or in at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

(c) The wording of the question shall be substantially similar to the following: "Shall we change the date for elections and the second session from the second Tuesday in \_\_\_\_\_ to the second Tuesday in \_\_\_\_\_, which would change the date for the first session to a date between the first and second Saturdays after the last Monday in \_\_\_\_\_, inclusive."

(d) A simple majority in the affirmative of those voting on the question shall be required to change the date; provided, however, that if the question appears on the ballot for a multi-town school district, the vote in each town or city comprising the district shall be tallied separately, and this section shall not be deemed adopted by the district unless it receives a majority vote from each and every such town and city, tallied separately. Only votes in the affirmative or negative shall be included in the calculation of the majority.

(e) A vote to change the dates of the meeting shall apply to the annual meeting next following the vote.

8 Teacher Nomination Notification Date. Amend RSA 189:14-a, I(a) to read as follows:

I.(a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 *or within 15 days of the adoption of the district budget by the legislative body, whichever is later*, if that teacher is not to be renominated or reelected, *provided that no notification shall occur later than the Friday following the second Tuesday in May*.

9 Election of Town Officers; Dates. Amend RSA 669:1, 1 to read as follows:

I. All towns shall hold an election annually for the election of town officers on the second Tuesday in March, except those towns which have adopted *an alternative date under RSA 40:14 or those towns which have adopted* the provisions of RSA 31:94-a and have, by majority vote at [the] a previous town meeting, decided to elect officers on the second Tuesday in May.

10 New Paragraph: Optional Change of Election Dates; Official Ballot Referendum. Amend RSA 669:1 by inserting after paragraph III the following new paragraph:

IV. Any local political subdivision which has not adopted RSA 40:13, the official ballot referendum form of meeting, but whose voting checklist comprises all or part of the checklist for a school district which has adopted an April or May election date under RSA 40:14, may, by vote of the legislative body, vote to coordinate its elections with the school district's elections and to hold its elections on the same April or May date as the school district. Such local political subdivision may, in addition, vote to hold the second session of its annual meeting, for transacting all business not required to be voted on by official ballot, within 2 weeks of the election date at a time and date determined by the governing body. The joint elections shall be held at a time and place determined by, and shall be supervised by, the election officials of the local political subdivision, coordinated as set forth in RSA 671:25 and RSA 671:26, with costs allocated in the same manner as in previous years or as may be mutually agreed upon by the governing bodies. A vote under this paragraph may be rescinded by the local political subdivision in like manner. No vote under this section shall take effect until the annual election next following such vote.

11 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill affects changes to the laws regarding local political subdivisions which have adopted official ballot voting, including:

- I. Providing a time line for April meetings.
- II. Providing a time line for May meetings.
- III. Changing the teacher nomination notification date.
- IV. Enabling certain political subdivisions to coordinate their annual meetings with school districts that have matching or partly matching voter checklists.
- V. Amending the wording of the question to be put before the legislative body of a municipality regarding adoption of the official ballot referendum form of meeting.

**HB 385**, increasing the time window for holding the first session of a town meeting in political subdivisions which have adopted the official ballot. INEXPEDIENT TO LEGISLATE  
Rep. Robert W. Brundige for Municipal and County Government: This bill would have extended the window of time for holding the first session of annual meetings in SB-2 towns from seven days to twenty-one days to allow time to have annual town reports ready for the deliberative session. This extended window would reduce the time to distribute absentee ballots and have them returned to the towns from thirty days down to sixteen days and therefore was not practical. This Committee noted that HB 251 allows SB 2 towns to have an April date for their second session which would give more time for the assembling and printing of the annual town reports. Vote 15-0.

**HB 507-L**, relative to the taxability of certain appurtenant land to a taxable building. RE-REFER TO COMMITTEE

Rep. Linda T. Foster for Municipal and County Government: The Committee believes that the material contained in HB 507-L deserves further study. The fact that the minimum property tax exemption of \$150,000 for private school dormitories, dining rooms and kitchens currently authorized by law was enacted so many years ago, when it supposedly represented the entire valuation of Dartmouth College at the time, underscores the need for comprehensive re-examination of this issue. Vote 15-2.

**HB 562**, relative to the date of decision for appeals of zoning matters. OUGHT TO PASS WITH AMENDMENT

Rep. David W. Hess for Municipal and County Government: This bill, as originally introduced, sought to clarify and standardize when the appeal period begins to run on motions for rehearing and appeals from local planning board and ZBA decisions. Three statutes currently on the books are all different and have caused uncertainty and confusion. The amendment adopted by the Committee introduces even more uniformity into these laws by 1) making all of the appeal periods the same, and 2) requiring that land use boards file their written decisions and written minutes of the meeting at which those decisions are made, within 144 hours of the decision. Vote 14-0.

#### **Amendment (0868h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Local Land Use Board; Issuance of Decision. Amend RSA 676:3, II to read as follows:

II. Whenever a local land use board ~~[issues a decision]~~ *votes to approve or disapprove an application or deny a motion for rehearing*, the *minutes of the meeting at which such vote is taken, including the written decision*, shall be placed on file in the board's office and shall be made available for public inspection within ~~[72]~~ *144* hours ~~[after the decision is made]~~ *of such vote*. Boards in towns that do not have an office of the board that has regular business hours shall file copies of their decisions with the town clerk.

2 Rehearing and Appeal Procedures; Beginning of Period to Request Rehearing. Amend RSA 677:2 to read as follows:

677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions. Within ~~[20]~~ *30* days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning ~~[has been filed and first becomes available for public inspection in the office of the respective board or body or of its clerk or secretary]~~, the selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This ~~[20]~~ *30*-day time period shall be counted in calendar days beginning with the ~~[next working day during which the office of the board is open to the public following the day on which the decision is rendered]~~ *date upon which the board voted to approve or disapprove the application; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the petition shall be timely if filed within 30 days of the date the minutes, including the written decision, became available*. If the decision complained against is that made by a town meeting, the application for rehearing shall be made to the board of selectmen, and, upon receipt of such application, the board of selectmen shall hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of the selectmen the protest warrants action, the selectmen shall call a special town meeting.

3 Rehearing and Appeal Procedures; Beginning of Appeals Period. Amend RSA 677:4 to read as follows:

677:4 Appeal from Decision on Motion for Rehearing. Any person aggrieved by any order or decision of the zoning board of adjustment or any decision of the local legislative body may apply, by petition, to the superior court within 30 days after the ~~[action complained of has been filed and first becomes available for public inspection in the office of the respective board or body or of its clerk or secretary, setting]~~ *date upon which the board voted to deny the motion for rehearing;*

*provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the petition shall be timely if filed within 30 days of the date the minutes, including the written decision, became available. The petition shall set forth that such decision or order is illegal or unreasonable, in whole or in part, and specifying the grounds upon which the decision or order is claimed to be illegal or unreasonable. [The date of filing shall be considered to be the next working day during which the office of the board is open to the public following the day on which the order or decision is rendered.]* For purposes of this section, "person aggrieved" includes any party entitled to request a rehearing under RSA 677:2.

4 Rehearing and Appeal Procedures: Court Review. Amend RSA 677:15, I to read as follows:

1. Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the [decision of the planning board has been filed and first becomes available for public inspection in the office of the planning board or of its clerk or secretary] *date upon which the board voted to approve or disapprove the application; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the petition shall be timely if filed within 30 days of the date the minutes, including the written decision, became available.* This paragraph shall not apply to planning board decisions appealable to the board of adjustment pursuant to RSA 676:5, III.

5 Effective Date. This act shall take effect January 1, 2000.

#### AMENDED ANALYSIS

This bill clarifies what day the period starts for filing of zoning board of adjustment motions for rehearings, zoning board of adjustment appeals, and planning board appeals.

This bill also requires that any local land use board shall place on file and make available for public inspection the minutes, including the written decision, of any meeting where the board voted to approve or disapprove an application or any motion for rehearing, within 144 hours of such vote. A board's failure to comply shall result in an extension of the period for filing an appeal or motion for rehearing.

**HB 696-FN-L**, relative to the taxation of land held by municipalities for water supply purposes. RE-REFER TO COMMITTEE

Rep. Linda T. Foster for Municipal and County Government: The Committee unanimously agrees that protecting our municipal water supplies is crucial to the state's well being. The Committee believes, however, that HB 696-FN-L, relating to the taxation of land used for this purpose, needs further consideration in order to prevent undue or extreme consequences. Vote 14-0.

**HB 727-FN**, establishing an outdoor lighting code. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: The amendment to this bill creates a statutory committee to study the issues and possible regulation of outdoor lighting. The study committee was requested by the prime sponsor and was endorsed by virtually every witness who testified before the Committee. Vote 15-0.

#### Amendment (0911h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the problems and possible regulation of outdoor lighting.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the problems and possible regulation of outdoor lighting.

2 Membership and Compensation.

1. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.



II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Technical Assistance. The commissioner of transportation may, within 30 days of being notified of the establishment of the committee, designate a person from the department of transportation to provide technical assistance to the committee. Such assistance shall be limited to issues involving the department's responsibility to light state roadways and facilities, or which otherwise impact departmental operations. The committee may, upon the request of the commissioner, extend the time in which this designation may be made for an additional period of 30 days.

#### 4 Duties.

I. The committee shall study the possible need for the regulation of outdoor lighting in order to provide standards and guidelines for improving the efficiency, visibility, and safety of New Hampshire's nighttime environment through the judicious and responsible use of outdoor lighting, and to minimize intrusion and interference from outdoor lighting with regards to spilling over property lines, unwanted intrusion into homes, and unnatural illumination of wild areas, which can affect the instinctive cycles of flora and fauna.

II. In performing its duties, the committee shall attempt to define the concepts of "light pollution" and "light trespass" in a manner suitable for inclusion in any statute or other regulation that may result from this study. The committee may receive testimony and other information in any manner which may assist it in its work. The committee shall hear from any person interested in the subject matter of this study and shall make every effort to include in its proceedings representatives of the electric power industry, lighting fixture manufacturers, construction trades, building organizations, business community, wildlife preservation and protection organizations, environmental groups, groups interested in astronomy, and groups concerned with the unnecessary or wasteful use of outdoor illumination.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held as soon as possible but no later than 45 days after the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before July 1, 2000.

7 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the problems and possible regulation of outdoor lighting.

**SB 91**, designating segments of the Cold River as protected under the rivers management and protection program. **OUGHT TO PASS**

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: This bill represents two and a half years of effort by "Friends of the Cold River" in the different communities through which the Cold River flows: Lempster, Acworth, Langdon, Alstead and Walpole. The protection measures afforded by the Rivers Management and Protection Act were unanimously endorsed by the boards of selectmen and conservation commissions of the affected towns and demonstrates strong local involvement and approval. Vote 11-3.

**HB 581-L**, relative to deposits on water meters. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald B. White for Science, Technology and Energy: This is an enabling bill to allow, if they wish, utilities to obtain security deposits from tenants for all utility services. Currently, security deposits can only be collected for gas and electric services. This bill also will protect owners from liability in case of tenant default. Vote 15-0.

### Amendment (0940h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to deposits on utility meters.

Amend the bill by replacing section 1 with the following:

1 Municipal Utilities; Security Deposits from Tenants; Utilities Services. Amend RSA 38:23 to read as follows:

38:23 Security Deposits from Tenants. Notwithstanding any other provision of law, any public utility, including any municipal corporation, providing ~~[electricity or gas]~~ **utility** services other than for resale to a customer who is not the owner of the premises serviced by the utility and who has a separate ~~[electric or gas]~~ meter, for the premises serviced, may obtain a security deposit from the customer only, and shall not obtain a security deposit from the owner of the premises. The owner of the premises shall not be liable for the failure of a tenant to pay the utility bill when such tenant's premises has a separate meter, and the utility shall not have any lien on the property of the landlord under RSA 38:22 for the tenant's failure to pay the utility bill.

### AMENDED ANALYSIS

This bill allows a public utility to obtain security deposits from tenants with separate meters.

**HCR 5**, encouraging WMUR-TV to extend radio station coverage to areas of New Hampshire north of Franconia Notch. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jessica E. Densmore for Science, Technology and Energy: In response to the need to be able to provide emergency information to the residents of the northern three counties of New Hampshire, this resolution encourages New Hampshire Public Radio to provide radio broadcast signal to Coos, Grafton, and Carroll counties. The committee reviewed the radio coverage maps and determined that there are areas that have inadequate radio broadcast signal. Vote 15-0.

### Amendment (0942h)

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION encouraging New Hampshire Public Radio to extend its broadcast signal to northern areas of New Hampshire.

Amend the resolution by replacing all after the title with the following:

Whereas, all New Hampshire citizens should have access to timely information in the event of a disaster; and

Whereas, New Hampshire Public Radio broadcasts vital emergency management information and is an integral part of the Emergency Broadcast System; and

Whereas, certain residents of Coos, Carroll, and Grafton counties do not have access to a New Hampshire-based public radio broadcast signal; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of New Hampshire hereby encourages New Hampshire Public Radio to extend its broadcast signal to northern areas of New Hampshire; and

That copies of this resolution, signed by the speaker of the house of representatives and the president of the senate, be forwarded by the house clerk to the station manager and news director at New Hampshire Public Radio and to the members of the Federal Communications Commission.

### AMENDED ANALYSIS

This concurrent resolution encourages New Hampshire Public Radio to extend its broadcast signal to northern areas of New Hampshire.

**HJR 2**, urging that federal air pollution programs not punish early adopters of air pollution control technology. **OUGHT TO PASS WITH AMENDMENT**

Rep. Terie T. Norelli for Science, Technology and Energy: In the past, federal policy rewarded operators of more polluting plants by awarding them more emission credits than cleaner plants. This resolution urges that future legislation avoid the use of baseline emissions to determine allowance allocation, or at least use dates far enough in the past so as to not discourage early investment in emission controls. Vote 14-0.

### Amendment (0935h)

Amend the resolution by replacing all after the title with the following:

Whereas, the federal Clean Air Act has in the past allocated pollution allowances, which are items of commercial value, to pollution sources based on emissions existing on arbitrary baseline dates, where higher emissions equated to being granted more allowances; and

Whereas, such a policy has rewarded dirtier operators by allocating to them more allowances than their cleaner competitors, and further, has unfairly served to punish operators who have happened to install expensive air pollution controls shortly before the baseline dates; and

Whereas, these past actions have made it more difficult to encourage polluters to reduce emissions prior to regulatory deadlines; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That future federal air pollution legislation should avoid using baseline pollution as a basis for allocation of allowances or other items of commercial value;

That to the extent that the federal government chooses to continue to use baseline emissions to determine allowance allocation, either to individual polluters or to states, that it choose a baseline date far enough in the past in order that recently-improved sources are not placed at a competitive disadvantage against dirtier competitors that have not made such investments and have smaller capital and operating costs as a result; and

That such care with baselines be used not only for sulfur dioxide and nitrogen oxide emissions, but also for any other emissions which the federal government may subsequently choose to control with allowance-based mechanisms; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

**HJR 3, urging ISO-New England to adopt policies furthering the state's interest in electric utility restructuring. OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: This resolution urges the newly formed operator of the New England electric transmission system to make certain policy changes. Those suggested policy changes include expediting interconnection studies to the transmission grid in order to encourage building of new generating capacity. The resolution also urges efforts to create wholesale markets for electricity price exchanges and that the cost of electricity transmission be properly allocated to reflect actual costs to customers. Vote 15-0.

### **Amendment (0873h)**

Amend the resolution by replacing all after the title with the following:

Whereas, the Independent System Operator-New England (ISO-New England) operates the transmission portion of the electric power grid of New England and implements policies regarding electric power transmission, its pricing, and interconnections to the grid; and

Whereas, the policies of ISO-New England appear to have created a situation where electricity suppliers seeking to build new electric plants need interconnection studies, and the interconnection studies are performed in an order unrelated to the progress made by the suppliers in procuring other permits required for construction and operation; and

Whereas, past policies of the New England Power Pool (NEPOOL) appear to have not adequately distinguished between actual available reserves and less-available reserves, having caused a threat to the financial viability of future plants by overvaluing less-available reserves; and

Whereas, delays have occurred at ISO-New England in implementing wholesale markets for the exchange of electricity and reserves; and

Whereas, equitable apportionment of transmission charges throughout the NEPOOL Control Area is important, and charges should be apportioned wherever possible to match charges with costs through some cost-sensitive charge mechanism, so there is no incentive to overuse underpriced parts of the system and transfer costs to the rest of the system's customers; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court hereby urges ISO-New England to modify its policies so that the order in which interconnection studies are performed for new suppliers be related to the progress made by these suppliers in procuring other permits required for construction and operation; and

That the general court hereby urges ISO-New England to modify its policies so that greater care be given to ensure that resources qualifying as reserves are actually available to be called upon by the ISO and also that the same resource not be counted as reserves in multiple power pools or control areas; and

That the general court hereby urges ISO-New England to continue its efforts to implement wholesale markets for the exchange of electricity and reserves; and

That the general court hereby urges NEPOOL to modify its policies so that apportionment of transmission cost recovery appropriately reflect cost responsibility; and

That the general court hereby urges the Federal Energy Regulatory Commission to cooperate with ISO-New England in pursuit of these goals; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the chairpersons of committees of the United States Congress having jurisdiction over electricity regulation, the chairman of the United States Federal Energy Regulatory Commission, each member of the New Hampshire congressional delegation, NEPOOL, and ISO-New England.

**HJR 9**, urging the United States Congress and federal Environmental Protection Agency to eliminate federal requirements for oxygenate additives for gasoline. **OUGHT TO PASS WITH AMENDMENT** Rep. Terie T. Norelli for Science, Technology and Energy: The federal Clean Air Act requires oxygenates be added to gasoline in non-attainment areas. Recent auto improvements have reduced the air pollution benefits and the use of oxygenate Methyl Tertiary-Butyl Ether (MTBE) has degraded water quality to an extent that may offset its air pollution benefits. Although the water threat could be lessened in the short-term by substituting conventional gas, an Environmental Protection Agency (EPA) waiver would be required. This resolution urges congress to eliminate the oxygenate requirement without new requirements for air pollution reductions, that the EPA grant New Hampshire a short-term waiver without requiring substitute reductions, and the future reductions should utilize incentive-based programs rather than command-and-control measures. Vote 16-0.

#### **Amendment (0937h)**

Amend the resolution by replacing all after the title with the following:

Whereas, the federal Clean Air Act has required that oxygenates be added to gasoline for the purpose of reducing air pollution, and in particular, ground-level ozone and carbon monoxide; and

Whereas, automobile improvements over the last several years have considerably reduced the benefits of oxygenates for controlling carbon monoxide emissions by eliminating much of the carbon monoxide which would be emitted in the absence of oxygenates; and

Whereas, automobile improvements over the last several years have likewise, considerably reduced the benefits of oxygenates for controlling hydrocarbon emissions; and

Whereas, substantial evidence has been developed over the last few years that, in much of the country, the formation of ground-level ozone is not significantly dependent upon amounts of hydrocarbon emissions; and

Whereas, questions have been raised as to whether one oxygenate in common use, methyl t-butyl ether (MTBE), is degrading water quality to an extent that more than offsets its limited and decreasing benefits for air pollution control; and

Whereas, the threat that MTBE poses to the water resources of New Hampshire could be lessened in the short term by substituting conventional gasoline, which contains a much lower concentration of MTBE, for reformulated gasoline in the 4 southern counties (Hillsborough, Merrimack, Rockingham, and Strafford) required by federal regulation to use reformulated gasoline; and

Whereas gasoline substitution is not possible in New Hampshire without the Environmental Protection Agency granting the state a waiver to do so; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That Congress should eliminate the oxygenate requirements of the federal Clean Air Act without imposing any new federal requirements to reduce air pollution; and

That the Environmental Protection Agency should expeditiously grant New Hampshire the short-term waivers necessary to permit the substitution of conventional gasoline for reformulated gasoline, without requiring substitute air emission reduction strategies as part of the state's air pollution implementation plan; and

That such gasoline substitution should be allowed prior to the completion of the ongoing, long-term comparative risk studies that will eventually identify the relative health and environmental costs and benefits of using gasoline formulations that have reduced MTBE levels; and

That when a better understanding has been reached of the comparative risks of different gasoline formulations, the Environmental Protection Agency should utilize incentive-based programs, rather than command-and-control measures, to further reduce MTBE levels in gasoline, provided that such reduction is consistent with the comparative risk analyses; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Sen-

ate, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

### AMENDED ANALYSIS

This house joint resolution urges:

I. Congress to eliminate the oxygenate requirement of the Clean Air Act without imposing new requirements to reduce air pollution.

II. The Environmental Protection Agency to grant New Hampshire waivers to permit the substitution of conventional gasoline for reformulated gasoline without requiring substitute air emission reduction strategies as part of the state's air pollution implementation plan.

III. That such gasoline substitution be allowed prior to the completion of ongoing comparative risk studies.

IV. That after the comparative risks of different gasoline formulations are better understood, the Environmental Protection Agency utilize incentive-based programs to reduce MTBE levels in gasoline.

**SB 41**, correcting a reference in provisions relating to hunting and fishing licenses for members of the armed services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard P. Brewster for Wildlife and Marine Resources: Those who were or are currently in the United States Coast Guard felt that having a law worded "Members of the Armed Forces and Coast Guard" fails to clearly indicate that members of the Coast Guard are at all times members of the Armed Forces even during peace time when they are under the supervision of the United States Transportation Department. This change in wording eliminates any confusion in this matter by adding all five names of the branches of the United States Armed Forces. Vote 13-0.

### Amendment (0933h)

Amend the title of the bill by replacing it with the following:

**AN ACT** clarifying references in provisions relating to hunting and fishing licenses for members of the United States army, navy, marines, air force, and coast guard.

Amend the bill by replacing section I with the following:

I Fishing and Hunting Licenses; Members of the United States Army, Navy, Marines, Air Force, and Coast Guard. Amend the section heading of RSA 214:3 and RSA 214:3, I and II to read as follows:

214:3 Members of the [~~Armed Forces~~] *United States Army, Navy, Marines, Air Force*, and Coast Guard.

I. Any resident of this state who is on regular active duty in [~~any branch of the armed forces, including the coast guard~~] *the United States army, navy, marines, air force, or coast guard* and who is permanently stationed outside of the state, may acquire at no charge, upon application to the executive director and subject to the restrictions of title XVIII, a special license to hunt and fish during any period while on leave or furlough.

II. Any nonresident who is on regular active duty in [~~any branch of the armed forces, including the coast guard~~] *the United States army, navy, marines, air force, or coast guard* and who is permanently stationed within the state, may purchase regular hunting and fishing licenses or combination licenses, subject to the restrictions of title XVIII, at the same fee as is charged a legal resident of the state.

### AMENDED ANALYSIS

This bill clarifies certain references in provisions relating to hunting and fishing licenses for members of the United States army, navy, marines, air force, or coast guard.

**SB 160**, establishing a committee to study and identify or establish the duties of the fish and game commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. George W. Chase for Wildlife and Marine Resources: This bill, as passed by the senate, addresses the need to clarify the duties of the members of the Fish and Game Commission. The Wildlife and Marine Resources Committee amended the original bill to ensure that at least one of the three members appointed from the house shall be a member of the Wildlife and Marine Resources Committee. The other three members of the study committee shall be appointed from the senate by the president of the senate. Vote 14-0.

**Amendment (0882h)**

Amend paragraph I(b) of section 2 of the bill by replacing it with the following:

(b) Three members of the house of representatives, one of whom shall be a member of the wildlife and marine resources committee, appointed by the speaker of the house.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

**REGULAR CALENDAR**

**HB 317**, relative to the display of tobacco products. **INEXPEDIENT TO LEGISLATE**

Rep. Tim S. McGough for Commerce: This bill would have placed many restrictions on the display and sale of tobacco products designed to prevent underage use of cigarettes and tobacco products. The majority of Commerce felt that enactment of this legislation would not accomplish the objective of those concerned about youth smoking, and that the issues raised by the subcommittee discussions will be addressed by the study committee created by HB 369. Vote 11-5.

Adopted.

**HB 369**, relative to tobacco use violations by minors and establishing a committee on teen tobacco use prevention and education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tim S. McGough for Commerce: This bill, as amended, creates a study committee to examine prevention and early intervention of youth smoking and tobacco use and the effectiveness of tobacco use education programs. This study committee will consider issues raised during discussions of HB 317 and this bill. Vote 12-1.

**Amendment (0633h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee on educational programs on tobacco use for minors.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study youth tobacco use prevention and education.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, one from the house children and family law committee, one from the house commerce committee, one from the house health, human services and elderly affairs committee, and one from the house criminal justice and public safety committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, one from the senate public affairs committee, one from the senate judiciary committee, and one from the senate public institutions, health and human services committee, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study prevention and early intervention of youth smoking and tobacco use and the effectiveness of tobacco use education programs. The committee shall solicit information from appropriate sources, including but not limited to law enforcement, social service, and health education organizations.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, the commissioners of health and human services and education, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

The bill establishes a committee to study youth tobacco use prevention and education.

Adopted.

Report adopted and ordered to third reading.

**HB 408**, relative to drug formularies under managed care entities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: This bill, as amended, is a compilation of several pieces of legislation designed to make it easier and more practical for consumers to access pharmaceuticals prescribed by doctors but not reimbursed by insurance companies. The bill requires insurance companies to disclose to the patients that they are subject to plan formularies. The bill requires all insurers to have an exception process for patients to receive reimbursement for medically necessary drugs not on a plan formulary. The bill requires insurance companies to provide 45 days notice prior to removing a drug from a formulary, which will allow the consumer to consult with their doctor to apply for an exception or change medication. Finally, the bill requires all insurance companies to submit information on formularies to the Insurance Department for reference by consumers. The committee is proud to have worked out an amendment, which is generally agreed upon by all parties. The committee recognizes this legislation as an important step to alleviate certain consumer protection concerns. Vote 19-0.

**Amendment (0706h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Prescription Drugs. Amend RSA 420-J by inserting after section 7-a the following new section:

## 420-J:7-b Prescription Drugs.

I.(a) Every health benefit plan that provides prescription drug benefits is required to provide prospective enrollees, and annually to covered persons, a description of the prescription drug benefit plan. Among the specific items that shall be included in the description are:

(1) The procedure a covered person must follow to obtain drugs and medications that are subject to a plan list or plan formulary.

(2) A description of the drug formulary and the plan's exception process.

(3) A description of the extent to which a covered person will be reimbursed for the cost of a drug that is not on a plan list or formulary.

(b) Health carriers shall provide upon request additional information to covered persons related to specific drugs that are not on the formulary.

II. Every health benefit plan that provides prescription drug benefits shall maintain an expeditious exception process, not to exceed 48 hours, by which covered persons may obtain coverage for a medically necessary nonformulary prescription drug. The exception process shall begin when the prescribing provider has provided the health benefit plan with the clinical rationale for the exception.

III. Every health plan that provides prescription drug benefits shall notify covered persons of changes to the plan list or plan formulary, provide an explanation of the exception process by which a covered person can access nonformulary medically necessary prescription drugs, and provide a toll-free telephone number through which a covered person can request additional information. Upon notification to covered persons, the health benefit plan shall allow at least 45 days before implementation of any formulary change.

IV. Every health benefit plan that provides prescription drug benefits shall maintain, as part of its records, all of the following information, which shall be made available to the commissioner upon request: the complete drug formulary or formularies of the plan, if the plan maintains a formulary, including a list of prescription drugs on the formulary of the plan by major therapeutic category with an indication of whether any drugs are preferred over the other drugs.

2 Effective Date. This act shall take effect January 1, 2000.

**AMENDED ANALYSIS**

This bill requires managed care entities that provide prescription drug benefits and maintain one or more drug formularies to provide to enrollees a description of the prescription drug benefit plan.

The bill also requires every managed care entity that provides prescription drug benefits to maintain an expeditious exception process by which providers may obtain authorization for a medically necessary nonformulary prescription drug.

Adopted.

Report adopted and ordered to third reading.

**HB 434**, providing that health care providers shall determine the appropriate course of patient treatment. RE-REFER TO COMMITTEE

Rep. Martha Fuller Clark for Commerce: This bill raises very profound and complex questions about how health care and health costs decisions are being made within the existing covered benefits of our health insurance plans. The challenge is to find a way to insure continued quality of care within a system, which is also cost effective. To restrict physicians unduly from recommending needed care will harm all of us. To allow health costs to increase without review and control is also unacceptable. There is no easy answer to this dilemma. For that reason, the majority of the committee voted 11-9 to send HB 434 to study so that they can continue to examine the very difficult issues raised by this legislation. Vote 11-9.

Adopted.

**HB 526**, limiting fees charged by financial institutions for use of electronic customer service terminals. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: The intent of this bill was to limit fees charged by financial institutions for the use of electronic service terminals (ATMs). As the number of these machines has increased statewide, this has become an issue of convenience and customer choice versus cost. As this bill would apply only to ATMs owned by financial institutions and not to non-bank ATMs, the committee felt that the competitive market will be the final arbiter and the customer will make the choice of using an ATM that has the lowest fee or no fee at all. Vote 18-2.

Adopted.

**HB 602-FN**, establishing the office of the health insurance consumer advocate. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: There is little doubt that consumers need access to reliable, consistent, unbiased information when resolving health care issues. In addition, consumers need a "place" to turn when problems arise with insurance companies. HB 602-FN creates a new position in the Insurance Department. The new "Health Care Consumer Assistant" will be dedicated to handling consumer complaints in addition to receiving complaints. The assistant will compile information for the Legislature to use in formulating future consumer protections. The amendment, brought in by the Insurance Department, reduces the number of positions required and alters the time from advocate to consumer assistant. The amendment also establishes the position as a classified position. The committee feels this is more reliable for the consumer instead of having a political appointee. Since the Insurance Department is financed by the domestic insurance companies through an assessment, there will be cost to the state to implement this position. Vote 20-0.

#### **Amendment (0756h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing the position of health insurance consumer assistant.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Position Established; Health Insurance Consumer Assistant. Amend RSA 400-A:6 by inserting after paragraph VII the following new paragraph:

VIII. The commissioner shall appoint a health insurance consumer assistant who shall perform the following functions:

(a) Provide information and referral assistance to consumers about health insurance options and the means of obtaining health insurance coverage and services. The assistant shall not recommend specific commercially offered products.

(b) Educate and assist enrollees in understanding their rights and responsibilities under health benefit plans, including the associated rights and responsibilities conferred or imposed by state and federal law and regulation.

(c) Provide comparative information to consumers on the performance of health carriers and health benefit plans by collecting performance measurement and consumer satisfaction data in a format that is both useful and understandable to consumers.

(d) Receive, investigate and attempt to resolve the complaints of individual health insurance consumers, and, when requested by the consumer, assist with grievances and independent external reviews under RSA 420-J.



(e) Collect data on health insurance consumer complaints and inquiries and create a responsive data tracking system for consumer complaints, inquiries, and concerns while preserving confidentiality, identify health insurer practices or policies that have an impact upon consumer rights and interests, prepare information for the public, agencies, legislators and others regarding the common problems and concerns of health insurance consumers, and act as an information resource both inside and outside the department in the development of policies and programs that protect health insurance consumer rights and interests.

(f) Perform such other duties and exercise such other powers as the commissioner may authorize.

2 Health Insurance Consumer Assistant; Salary. The commissioner shall, subject to the rules of the division of personnel, have authority to fill the position of health insurance consumer assistant position, as established in RSA 400-A:6, VIII as inserted by section 1 of this act, at labor grade 29.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes the position of health insurance consumer assistant within the insurance department.

On a division vote, 273 members having voted in the affirmative and 26 in the negative, the amendment was adopted.

Report adopted and referred to Finance.

### MOTION TO SPECIAL ORDER

Rep. O'Hearn moved that **HB 487**, relative to the adoption of bonds or notes in certain school districts and municipalities, be made a Special Order, in the regular calendar order, for the next session day. Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 518-FN-L**, relative to a joint maintenance agreement to build a single high school involving the towns of Northwood, Nottingham, and Strafford. **INEXPEDIENT TO LEGISLATE**

Rep. Susan B. Durham for Education: This bill would allow state building aid for a school built on leased land. The committee sought out the opinion of the Attorney General's office and learned of an opinion from the early 1980's, which said that a long-term lease does not equate to ownership for purposes of state building aid. It was felt that application of building aid to projects on leased land would be subject to challenge. Vote 16-3.

Rep. O'Hearn moved Re-Commit to Committee and spoke in favor.

Adopted.

**HB 699-FN-A**, establishing the granite state scholars program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris Estabrook for Education: This bill establishes the Granite State Scholars program, which provides recognition for highly qualified New Hampshire high school graduates, and a state match for private funds raised by New Hampshire public institutions of higher education to be used for incentive grants to Granite State Scholars. These grants will encourage our most capable high school graduates to remain in state, addressing the serious problem of "brain drain" (due to other New England institutions offering far more grant aid). The state's limited financial commitment will be leveraged to create a much larger scholarship aid endowment. Top graduates from around the state will continue to access the program through this endowment, well beyond the period of state financial outlay and far into the future. This approach to serious issues in public higher education is recommended by recent reports of the Public Higher Education Study Committee and the Postsecondary Education Commission. The amendment makes technical changes overlooked on drafting; providing rulemaking authority to the Postsecondary Education Commission to administer the program and changes in the appropriation dates to cover both years of the biennium, as intended. Vote 17-1.

### Amendment (0721h)

Amend the bill by inserting all after the enacting clause with the following:

1 New Paragraph; Postsecondary Education Commission; Rulemaking for Granite State Scholars Program Added. Amend RSA 188-D:8-a by inserting after paragraph II the following new paragraph:

III. Administration of the granite state scholars program as established in RSA 188-D:38.

2 New Subdivision; Granite State Scholars Program. Amend RSA 188-D by inserting after section 35 the following new subdivision:

**Granite State Scholars Program**

188-D:36 Program Established; Intent. There is hereby established the granite state scholars program for the benefit of highly qualified New Hampshire residents pursuing programs of study at public colleges and universities within the state. The intent of the program is to encourage eligible New Hampshire residents to pursue public postsecondary education within the state by offering grant-based financial aid to such students.

188-D:37 Definitions. In this subdivision:

I. "Participating institution" means any public institution within the state which has been authorized by the postsecondary education commission under RSA 188-D to award either an associate's degree or a bachelor's degree, or both.

II. "Endowment fund" means the granite state scholars financial aid endowment fund.

III. "Program" means the granite state scholars program.

188-D:38 Program Administration.

I. The state board of education shall adopt rules, under RSA 541-A, relative to student and institutional eligibility criteria.

II. The postsecondary education commission shall adopt rules pursuant to RSA 541-A necessary to administer the program and the state board of education shall provide student and institutional eligibility criteria to the postsecondary education commission.

188-D:39 Granite State Scholar Designation; Special Recognition.

I. The granite state scholar designation shall be made for any New Hampshire resident who graduates in the top 10 percent of his or her class from an accredited New Hampshire high school, and who receives a combined score of 1200 or more on the Scholastic Aptitude Test I, or the equivalent score on the ACT Assessment examination. The granite state scholar designation shall be determined using class rank and standardized test scores taken no later than January 31 of the student's senior year in high school.

II. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to establishing the granite state scholar designation in high schools that do not calculate class rank, in non-accredited high schools, and for home schooled students.

III. Granite state scholars shall receive special recognition from the governor and shall be eligible for grants from the endowment fund established in this subdivision.

188-D:40 Granite State Scholars Financial Aid Endowment Fund Established.

I. All moneys appropriated for the purposes of this subdivision shall be used to provide leveraged incentive grants to participating institutions in New Hampshire for the establishment of an endowment fund according to the provisions of this subdivision.

II. Participating institutions shall establish a separate endowment fund for the deposit of private contributions and gifts for the purposes of the program. Gifts or contributions may come from any source, including, but not limited to, private individuals or corporations, trusts, or foundations.

188-D:41 Grants.

I. Each private gift or contribution made shall be matched by state funds in accordance with the dollar amount of the individual gift or contribution. The annual matching amount of state funds for each individual private gift or contribution shall be as follows:

\$1-\$99,999	50 percent state matching grant
\$100,000-\$999,999	75 percent state matching grant
\$1,000,000 or more	100 percent state matching grant

II. Participating institutions shall maintain an accounting of all gifts and contributions made to the program, and shall forward a report of such accounting to the postsecondary education commission no later than May 1 of each fiscal year.

III. On June 1 of each fiscal year, the postsecondary education commission shall distribute matching funds to participating institutions based on documented gifts and contributions received during the preceding 12 months. State matching funds shall be deposited into the endowment fund established at each participating institution or the participating institution's foundation.

IV. Grant awards shall be made on the basis of merit and need, and the participating institution may determine the most suitable method of grant disbursement to granite state schol-

ars enrolling at the participating institution. Grant awards shall only be conferred upon verification of high school graduation and achievement of the academic criteria set forth in this subdivision.

V. If the state matching funds are insufficient to meet the grant amounts required under paragraph I of this section, grants shall be calculated and disbursed according to a percentage derived by dividing the actual state matching funds appropriated by the amount of state funds necessary to meet full matching grant amounts.

#### 188-D:42 Investment of State Matching Funds.

I. A participating institution shall invest all funds in the endowment fund provided that:

(a) All earnings including interest, dividends, equity appreciation, and any other form of increased value shall be reinvested in the endowment fund or distributed to granite state scholars.

(b) The historic dollar value of the endowment fund as defined in RSA 292-B:1-a, V shall not be invaded, transferred, or used for any purpose other than the program.

(c) The funds are invested consistent with the provisions of RSA 292-B.

3 Appropriation. The sum of \$5,000,000 for the fiscal year ending June 30, 2000, and the sum of \$5,000,000 for the fiscal year ending June 30, 2001, are hereby appropriated to the postsecondary education commission for the purposes of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Applicability. Section 5 of this act shall take effect at such time as the commissioner of the postsecondary education commission certifies to the secretary of state that \$25,000,000 or more in state funds has been appropriated for the purposes of this act.

5 Prospective Repeal. RSA 188-D:41, I-III, and RSA 188-D:41, V, as inserted by section 2 of this act, relative to matching funds provided to the granite state scholars program, are repealed.

#### 6 Effective Date.

I. Section 5 of this act shall take effect as provided in section 4.

II. The remainder of this act shall take effect July 1, 1999.

Adopted.

Report adopted and referred to Finance.

### SPECIAL ORDER

**HB 389**, relative to procedures for apportioning state representatives among counties and among legislative districts. INEXPEDIENT TO LEGISLATE

Rep. Raymond Buckley for Election Law: While the sponsor's bill has some merit, the Committee strongly feels that we must not tie the hands of the next legislature as they undertake the arduous process of redistricting. During the 2001-2002 term Congressional, Executive Council, State Senate and House, and County Commission districts must be redrawn. To successfully accomplish this task great skills and long negotiations must be utilized to create the fairest plan. We believe we should allow the next legislature the greatest latitude in accomplishing this task. Vote 12-0.

Rep. MacGillivray spoke against.

Rep. Buckley spoke in favor.

On a division vote, 247 members having voted in the affirmative and 76 in the negative, the report was adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 534**, eliminating party designations in the election of party officers. INEXPEDIENT TO LEGISLATE

Rep. James R. Splaine for Election Law: This bill would eliminate party designations in the election of candidates for county office. The Committee felt the current process for election of county office is a good system and allows for competent candidates to run. The idea offered by the sponsor to eliminate party designations is intriguing, but it is too big a change and is not needed at this time. Vote 10-3.

Adopted.

**HB 380**, repealing the Interstate Solid Waste Compact. INEXPEDIENT TO LEGISLATE

Rep. Suzan L. R. Franks for Environment and Agriculture: This act required the repeal of the New Hampshire-Vermont Interstate Solid Waste Compact. The Committee recognized repeal of this

Compact requires passage by the legislatures of both New Hampshire and Vermont as well as an act of the United States Congress. Therefore, this proposal would be better represented by an HJR at a future date. Vote 14-0.

Adopted.

**HB 55-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2001. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: The medicaid enhancement tax expires on May 30. This bill continues the existing rate at 6%. The money collected is returned to the hospitals as the uncompensated care pool payments. As a result of the payments back to the hospitals a federal match at 50% is projected to yield \$54 million for FY2000, and \$56 million for FY 2001. These moneys go to the general fund, and the lack of this tax could cause problems for balancing the budget. The amendment is for the effective date. Vote 24-0.

#### Amendment (0875h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect May 30, 1999.

Adopted.

Report adopted and ordered to third reading.

**HB 559-FN-A**, authorizing vanity plates or decals for OHRV registrations. OUGHT TO PASS

Rep. Robert G. Holbrook for Finance: This bill establishes a vanity plate or decal program for OHRV (Off-Highway Recreation Vehicles) registered by residents of New Hampshire. Fees for the vanity plates will be deposited in a fund to be used by the Fish and Game Department for cost of issuing the vanity plates and decals and for OHRV training programs. The estimate of revenue is \$73,440, with \$18,360 to cover the cost of plates and decals and the balance for OHRV training programs. Vote 23-0.

Rep. Holbrook spoke to the report.

Adopted and ordered to third reading.

**HB 561-FN**, reducing lab analysis fees of chemical analyses of water. OUGHT TO PASS

Rep. Steve Vaillancourt for Finance: This bill changes, in some cases increasing and in some cases decreasing but in all cases by small amounts, the fees for water analyses required by the federal Safe Drinking Water Act. The Finance Committee has no problem with the schedule as proposed by the Department of Environmental Services and approved by the Resources, Recreation and Development Committee. In all, more than three dozen different fees are involved (for such items in water as lead and copper, organic compounds, haloacetic acids, etc.). While the bill is expected to result in a decrease in state revenues, it is not expected to be substantial. To oppose this attempt to establish a more realistic assessment on water testing would constitute the type of micromanagement Finance would not wish to engage in. The Committee heard no testimony in opposition to the bill. Vote 24-0.

Adopted and ordered to third reading.

**HB 639-FN**, relative to motor vehicle registration fees for antique motor vehicles and motorcycles. OUGHT TO PASS

Rep. Vivian R. Clark for Finance: This bill was passed by the Transportation Committee and the House because it eliminates preferential fees for vehicles which, although they qualify as antiques, are actually used for ordinary transportation. It will create a small net increase in general fund revenues and in distributions to local communities. Vote 24-0.

Adopted and ordered to third reading.

**SB 17**, relative to funeral arrangements. OUGHT TO PASS

Rep. James Pilliod for Health, Human Services and Elderly Affairs: This much needed bill authorizes next of kin or designated agent as defined in statute, to manage several after-death arrangements for disposition of a body previously only managed by funeral directors. This includes transportation, cremation, burial and other necessary procedures. Vote 15-1.

Adopted and ordered to third reading.

**SPECIAL ORDER**

**CACR 22**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed. **RE-REFER TO COMMITTEE**

Rep. Dennis J. Withee for Judiciary: This amendment seeks to change the constitution so that judges must be re-appointed, commissioned, and sworn to subsequent 7-year terms. Excellent testimony supporting both sides of the issue was received and considered by the committee. Since the committee will be studying similar legislation this summer, the majority voted to have the contents of CACR 22 as part of its judicial reform package. The minority of the committee believes that this amendment should be found ITL because the House has already re-referred HB 53 which contains similar material. Vote 11-8.

Adopted.

Rep. Burling declared a conflict of interest and did not participate.

**REGULAR CALENDAR (CONT'D.)**

**HB 297-FN**, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. **OUGHT TO PASS**

Rep. Sandra B. Keans for Judiciary: This bill has to do with changes in the process of going to the Human Rights Commission for instances of discrimination. Currently, a complainant can be denied the opportunity to examine witnesses under oath at a hearing before the commission before the case is thrown out, simply on the basis of staff investigation. This legislation would allow a complainant in the very early stages (90 days) to opt out and file in Superior court. At this time if a complaint gets denied by one commissioner, there is no appeal process no matter what the merits of the case. This bill is a result of a study committee. Vote 11-4.

Rep. Mock moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 551**, relative to employers who are subject to state law against discrimination. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Andrew R. Peterson for the Majority of Judiciary: The committee carefully considered HB 551, together with the prime sponsor's proposed amendment, including substantial effort by the subcommittee. The Judiciary committee to a person strongly supports protecting New Hampshire citizens from all discrimination. However, the majority of the members found that the bill was too broad an expansion of the New Hampshire law on discrimination and could lead to serious unintended consequences which would, at a minimum, require more study. Our particular concerns related to the application of the law to religious institutions, private social clubs and sectarian schools. The majority found that New Hampshire law currently provides strong protections against discriminatory practices and felt the proposed bill was not the appropriate vehicle to strengthen these laws at this time. Vote 11-3.

Rep. Tony F. Soltani for the Minority of Judiciary: As of this date New Hampshire law permits overt and explicit acts of discrimination committed by non-profit organizations. "Non-profit" is not the same as "tax exempt" where IRS rules impose restrictions on the expenditures. To become a non-profit is easy; one must file five (5) signatures with the town clerk. You may then expend all the income of the organization as salary; but not profit. Under this exception (which practically swallows the rule) employers can, without breaking New Hampshire law, fire workers because of their race, sex, sexual orientation and even pregnancy. The legislature as a body should establish the public policy of this state as being against discrimination regardless of the profit status of the employer. It is wrong to fire a mother because she has a child, as it is wrong not to hire a man because he is black. It is just as wrong when a non-profit does it as when it is done by a for-profit company. For several years we have demanded that employers in the private for-profit sector behave in a manner consistent with our moral standards. We have prohibited them from discrimination and afforded victims of discrimination a direct and inexpensive forum through the New Hampshire Human Rights Commission. It is only proper to expect the non-profit sector to join the rest of the civilization and it is only right to accord the same degree of dignity to their workers. We cannot cross the threshold of the millennium without acknowledging the self-evident truth that all people are created equal by their creator and are entitled to certain inalienable rights.

Rep. Mock moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 585**, relative to preserving the use of state park lands for their original purposes. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: The intent of this bill is to preserve state park lands for their original purpose. The committee sympathizes with this intent but feels it would inhibit many legitimate leasing arrangements in state lands. Restrictions on donated lands can be implemented by the donee by putting restrictions in the deeds. Vote 15-1.

Reps. Wiggins and Sapareto spoke against.

Rep. Royce spoke in favor.

Rep. Royce requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 199 NAYS 147**

**YEAS 199**

**BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Lawton, David	Lawton, Robert	Rosen, Ralph
Salatiello, Thomas	Thomas, John	Wendelboe, Francine	

**CARROLL**

Chandler, Gene	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith	Torressen, Gary		

**CHESHIRE**

Avery, Stephen	Hunt, John	Manning, Joseph	Meador, David
Roberts, William	Rose, William	Royce, H Charles	Zerba, Roger

**COOS**

Davis, Perley	Glines, Sara	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	Marshall, Gene	Mirski, Paul	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Batula, Peter	Beaupre, Roland	Belvin, William	Brundige, Robert
Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald	Christiansen, Lars
Clegg, Robert, Jr	Clemons, Jane	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Dawe, Eileen	Desrosiers, William	Durham, Susan
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Gagnon, Eugene	Goley, Jeffrey	Goulet, Maurice
Herman, Keith	Holley, Sylvia	Jean, Loren	Johnson, Lionel
Kurk, Neal	LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McDonough-Wallace, Alice
McGough, Tim	Mercer, Robert	Mosher, William	Murphy, Robert
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Perkins, Paul	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sarette, John	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Hager, Elizabeth

Hess, David  
Lavoie, Gerard  
Marshall, Kenneth  
Whalley, Michael

Hoadley, Elizabeth  
Leber, William  
Maxfield, Roy

Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis

Larrabee, David, Sr  
Marple, Richard  
Rodd, Beth

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Cooney, Richard  
Dowling, Patricia  
Flanders, John, Sr  
Griffin, Mary  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
Packard, Sherman  
Reardon, Neil  
Stone, Joseph  
Weare, Everett

Beaulieu, Jon  
Case, Margaret  
Cote, Patricia  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Langone, John  
McKinney, Betsy  
Nowe, Mary Lou  
Priestley, Anne  
Rubin, George  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Fesh, Robert  
Gibbons, Paul  
Katsakiores, George  
Letourneau, Robert  
Mikowski, Walter  
Nowe, Ronald  
Rabideau, Marie  
Ruffner, Walter  
Varrell, Thomas  
Weyler, Kenneth

Bishop, Franklin  
Clark, Vivian  
Dearborn, Bruce  
Flanagan, Natalie  
Gleason, John  
Katsakiores, Phyllis  
Lovejoy, Marian  
Moore, Benjamin  
Noyes, Richard  
Raynowska, Bernard  
Stickney, Nancy  
Verani, Giovanni

### STRAFFORD

Bickford, David  
Knowles, William  
Pelletier, Arthur  
Wall, Janet

Callaghan, Frank  
Lundborn, Raymond  
Spear, Barbara  
Woods, Phyllis

Cossette, Larry  
McKinley, Robert  
Torr, Franklin

Kaen, Naida  
Musler, George  
Vincent, Francis

### SULLIVAN

Kibbey, David

Robb-Theroux, Amy

Young, David

### NAYS 147

### BELKNAP

Johnson, James

Millham, Alida

Pilliod, James

Rice, Thomas

### CARROLL

Babson, David, Jr

Bradley, Jeb

Howard, Godfrey

### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Mitchell, McKim  
Riley, William

Blaisdell, Michael  
Lynch, Margaret  
Pratt, Irene  
Robertson, Timothy

Burnham, Daniel  
Lynott, Margaret  
Pratt, John  
Russell, Ronald

DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara

### COOS

Hawkinson, Marie

Landers, Dana

Mears, Edgar

Rodrigue, Robert

### GRAFTON

Brothers, Richard  
Hall, David  
Solow, Martha

Cobb, John  
Johnson, Gary

Copenhaver, Marion  
Phinney, William

Densmore, Jessica  
Picconi, Al

### HILLSBOROUGH

Arthur, Rose  
Cote, David  
Desmarais, Vivian  
Foster, Linda  
Gorman, Mary

Baroody, Benjamin  
Craig, James  
Dokmo, Cynthia  
Gagnon, Paul  
Haettenschwiller, Alphonse

Bergeron, Lucien  
Curran, James  
Drabinowicz, A  
Garrish, Linda  
Haley, Robert

Buckley, Raymond  
Daigle, Robert  
Ford, Nancy  
Ginsburg, Ruth  
Hall, Betty

Herman, Richard  
LaPorte, George  
Martin, Mary  
Messier, Irene  
Reidy, Frank  
Withee, Dennis

Keye, Harvey  
Leishman, Peter  
McCarthy, William  
Milligan, Robert  
Simon, Anthony

Konys, Christine  
Leonard, Peter  
McRae, Karen  
Moriarty, Mary  
White, John

L'Heureux, Robert  
Lynde, Harold  
Melcher, Harold  
Pepino, Leo  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
French, Barbara  
Moore, Carol  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
Gile, Mary  
Owen, Derek  
St Cyr, Gerard  
Whittemore, James

Crosby, Toni  
Jacobson, Alf  
Potter, Frances  
Virtue, Carolyn  
Yeaton, Charles

Fraser, Marilyn  
Langer, Ray  
Reardon, Tara  
Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
Dolan, Richard  
Hutchinson, Rebecca  
Langley, Jane  
Quandt, Marshall  
Shelton, Richard  
Whittier, John

Blanchard, MaryAnn  
Dunham, Vivian  
Johnson, Robert  
O'Keefe, Patricia  
Sabella, Norma  
Splaine, James

Clark, Martha  
Grant, Kenneth  
Kane, Cecelia  
Pitts, Jacqueline  
Sapareto, Frank  
Stritch, C Donald

DiFruscia, Anthony  
Hamel, Albert  
Kelley, Jane  
Putnam, Ed, II  
Schanda, Frank  
Vaughn, Charles

### STRAFFORD

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Smith, Marjorie  
Vachon, Dennis

Brown, George  
Estabrook, Iris  
Pelletier, Marsha  
Snyder, Clair

Brown, Julie  
Heon, Richard  
Rogers, Rose Marie  
Taylor, Kathleen

DeChane, Marlene  
Johnson, Nancy  
Rollo, Michael  
Twardus, Joseph

### SULLIVAN

Allison, David  
Jones, Constance  
Tuthill, John

Burling, Peter  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
McIntyre, Sara

Flint, Gordon, Sr  
Phinizy, James

and the report was adopted.

Rep. Arthur Pelletier voted Yea and intended to vote Nay.

### RECESS

#### (Speaker Sytek in the Chair)

#### COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL 117

Without objection, the Speaker called for the Committee of Conference report on House Bill 117. **HB 117-FN-A-L**, establishing a uniform education property tax and a utility property tax, increasing the business profit and real estate transfer taxes, and including other sources of revenue to provide funding for an adequate public education and making an appropriation therefor. (Report printed SJ 16, 4/29/99) Reps. Chandler and Burling moved that the Committee of Conference report on House Bill 117 be adopted.

Rep. Hess spoke in favor and yielded to questions.

Reps. Hager, Mirski and Almy spoke against.

Rep. Guay spoke in favor.

#### (Rep. Jacobson in the Chair)

Reps. Burling and Bradley spoke in favor and yielded to questions.

Rep. Wallin requested a quorum count. The Speaker Pro Tem declared a quorum present.

Reps. Ward, Wallin and Rodrigue spoke against.

Rep. Sapareto spoke against and yielded to questions.

Rep. Clegg spoke in favor.



**(Speaker Sytek in the Chair)**

Rep. Weber spoke against.

Rep. Lozeau spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded

The question being the adoption of the Committee of Conference report.

**YEAS 204 NAYS 154****YEAS 204****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Thomas, John

Boriso, Thomas  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Rosen, Ralph

Czech, Stanley  
Salatiello, Thomas

**CARROLL**

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Lyman, L Randy

MacDonald, Kenneth

**CHESHIRE**

Avery, Stephen  
Lerandeau, Alfred  
Royce, H Charles

Blaisdell, Michael  
Meador, David  
Russell, Ronald

Burnham, Daniel  
Riley, William

Hunt, John  
Rose, William

**COOS**

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Woodward, David

Mears, Edgar

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Marshall, Gene

Brothers, Richard  
Dudley, Terri  
Nordgren, Sharon

Cobb, John  
Eaton, Stephanie  
Picconi, Al

Copenhaver, Marion  
Guest, Robert

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Brundige, Robert  
Carlson, Donald  
Craig, James  
Desmarais, Vivian  
Fields, Dennis  
Foster, Linda  
Gorman, Mary  
Herman, Keith  
Keye, Harvey  
LaRose, Richard  
Lynde, Harold  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Rowe, Robert  
Thulander, O Alan  
Withee, Dennis

Alukonis, David  
Baroody, Benjamin  
Bruno, Pierre  
Clegg, Robert, Jr  
Dalianis, Griffin  
Durham, Susan  
Fletcher, Richard  
Gagnon, Eugene  
Goulet, Maurice  
Holley, Sylvia  
Konys, Christine  
Lefebvre, Roland  
Martel, Andre  
Milligan, Robert  
Murphy, Robert  
Peterson, Andrew  
Sarette, John  
Turgeon, Roland

Andrews, Frederick  
Batula, Peter  
Buckley, Raymond  
Cote, David  
Daniels, Gary  
Emerton, Lawrence  
Flora, Kathleen  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Jean, Loren  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Moran, Edward  
O'Connell, Timothy  
Reeves, Sandra  
Sargent, Maxwell  
Vaillancourt, Steve

Arnold, Thomas, Jr  
Belvin, William  
Calawa, Leon, Jr  
Coughlin, Pamela  
Dawe, Eileen  
Fenton, James  
Ford, Nancy  
Goley, Jeffrey  
Haley, Robert  
Johnson, Lionel  
L'Heureux, Robert  
Lozeau, DonnaLee  
McGough, Tim  
Moriarty, Mary  
O'Hearn, Jane  
Reidy, Frank  
Tate, Joan  
Williams, Carol

**MERRIMACK**

Anderson, Eric  
Hoadley, Elizabeth  
Nichols, Avis

Asplund, Bronwyn  
Kennedy, Richard  
Reardon, Tara

Bouchard, Candace  
Langer, Ray  
Whalley, Michael

Hess, David  
Leber, William

**ROCKINGHAM**

Abbott, Dennis  
 Blanchard, MaryAnn  
 Cooney, Richard  
 Dolan, Richard  
 Flanders, John, Sr  
 Henderson, Warren  
 Kane, Cecelia  
 Major, Norman  
 Nowe, Mary Lou  
 Pitts, Jacqueline  
 Ruffner, Walter  
 Stone, Joseph  
 Verani, Giovanni

Arndt, Janet  
 Christie, Andrew, Jr  
 Cote, Patricia  
 Dowling, Patricia  
 Francoeur, Sheila  
 Hutchinson, Karen  
 Katsakiores, George  
 McKinney, Betsy  
 Nowe, Ronald  
 Priestley, Anne  
 Schanda, Frank  
 Tufts, J Arthur  
 Weare, Everett

Belanger, Ronald  
 Clark, Martha  
 Dalrymple, Janeen  
 Downing, Michael  
 Griffin, Mary  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Mikowski, Walter  
 Noyes, Richard  
 Rabideau, Marie  
 Shelton, Richard  
 Varrell, Thomas  
 Welch, David

Bishop, Franklin  
 Clark, Vivian  
 DiFruscia, Anthony  
 Dunham, Vivian  
 Hamel, Albert  
 Johnson, Robert  
 Letourneau, Robert  
 Morse, Charles  
 Packard, Sherman  
 Reardon, Neil  
 Splaine, James  
 Vaughn, Charles  
 Whittier, John

**STRAFFORD**

Brennan, William  
 Estabrook, Iris  
 McKinley, Robert  
 Snyder, Clair  
 Tsiros, William

Brown, George  
 Kaen, Naida  
 Musler, George  
 Spear, Barbara  
 Vincent, Francis

Cossette, Larry  
 Knowles, William  
 Rollo, Michael  
 Taylor, Kathleen  
 Wall, Janet

DeChane, Marlene  
 Lundborn, Raymond  
 Smith, Marjorie  
 Torr, Franklin  
 Woods, Phyllis

**SULLIVAN**

Burling, Peter  
 Young, David

Cloutier, John

Flint, Gordon, Sr

Robb-Theroux, Amy

**NAYS 154****BELKNAP**

Johnson, James  
 Rice, Thomas

Lawton, David  
 Wendelboe, Francine

Lawton, Robert  
 Wood, Jane

Millham, Alida

**CARROLL**

Babson, David, Jr  
 Philbrick, Donald

Dickinson, Howard  
 Sullivan, P Judith

Howard, Godfrey  
 Torressen, Gary

Kenney, Joseph

**CHESHIRE**

Batchelder, Robert  
 Manning, Joseph  
 Pratt, John  
 Zerba, Roger

DePecol, Benjamin  
 McGuirk, Paul  
 Richardson, Barbara

Lynch, Margaret  
 Mitchell, McKim  
 Roberts, William

Lynott, Margaret  
 Pratt, Irene  
 Robertson, Timothy

**COOS**

Davis, Perley  
 Rodrigue, Robert

Glines, Sara

Hawkinson, Marie

Landers, Dana

**GRAFTON**

Alger, John  
 Ham, Bonnie  
 LaMott, Paul  
 Ward, Brien

Almy, Susan  
 Harmon, Hobart  
 Mirski, Paul  
 Weber, Phil

Gilman, G Michael  
 Hinman, Harry  
 Phinney, William

Hall, David  
 Johnson, Gary  
 Scanlan, David

**HILLSBOROUGH**

Beaupre, Roland  
 Curran, James  
 Drabinowicz, A  
 Hall, Betty

Bergeron, Lucien  
 Daigle, Robert  
 Dyer, Merton  
 Herman, Richard

Christiansen, Lars  
 Desrosiers, William  
 Gagnon, Paul  
 LaPorte, George

Clemons, Jane  
 Dokmo, Cynthia  
 Garrish, Linda  
 Leishman, Peter

Leonard, Peter  
McDonough-Wallace, Alice  
Ouellette, Dean  
Wall, Nancy

MacGillivray, Jeffrey  
McRae, Karen  
Pepino, Leo  
White, Donald

Martin, Mary  
Melcher, Harold  
Perkins, Paul  
White, John

McCarthy, William  
Messier, Irene  
Simon, Anthony

### MERRIMACK

Brewster, Richard  
Davis, Francis  
French, Barbara  
Larrabee, David, Sr  
Marshall, Kenneth  
Potter, Frances  
St Cyr, Gerard  
Whittemore, James

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Lavoie, Gerard  
Maxfield, Roy  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, Charles

Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Lockwood, Priscilla  
Moore, Carol  
Seldin, Gloria  
Wallin, Jean

Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Marple, Richard  
Owen, Derek  
Soltani, Tony  
Wallner, Mary Jane

### ROCKINGHAM

Beaulieu, Jon  
Dearborn, Bruce  
Gleason, John  
Langley, Jane  
O'Keefe, Patricia  
Sabella, Norma  
Weyler, Kenneth

Bridle, Russell  
Fesh, Robert  
Grant, Kenneth  
Langone, John  
Quandt, Marshall  
Sapareto, Frank

Case, Margaret  
Flanagan, Natalie  
Kelley, Jane  
Lovejoy, Marian  
Raynowska, Bernard  
Stickney, Nancy

Corbin, C David  
Gibbons, Paul  
Kobel, Rudolph  
Moore, Benjamin  
Rubin, George  
Stritch, C Donald

### STRAFFORD

Bickford, David  
Grassie, Anne  
Pelletier, Arthur  
Vachon, Dennis

Brown, Julie  
Heon, Richard  
Pelletier, Marsha

Callaghan, Frank  
Johnson, Nancy  
Rogers, Rose Marie

Dunlap, Patricia  
Keans, Sandra  
Twardus, Joseph

### SULLIVAN

Allison, David  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas, Jr  
McIntyre, Sara

Jones, Constance  
Phinizy, James

Kibbey, David  
Tuthill, John

and the Committee of Conference report was adopted.

Rep. Paul Gagnon voted Nay and intended to vote Yea.

Rep. Putnam did not vote and wished to be recorded against.

Rep. Zolla did not vote and wished to be recorded in favor.

### REMARKS

Rep. Herman moved that the remarks made by Rep. Lozeau be printed in the Journal.  
Adopted.

Rep. Lozeau: Thank you, Madam Speaker. After the last week or so, I have to wonder if my voice is going to hold out. For someone like me that would be quite a tragedy, indeed. For the last six or seven hours, I thought about what I would say when I came before you. How do I begin? I was sitting on the bench because oftentimes when I used to get up and, let's just say, be a little bit of a trouble maker myself, I found that that bench helped me to get a sense of how people felt in the room. So, I started to try to make my points. Well, I've got points and no words. It occurred to me that maybe what I should do is just talk to you the way that I have talked to some of the folks that I've been working with this week. But, I have to tell you that people have said what's easy, what's hard, what's wrong, what we should do, what we shouldn't do, when we should do it, why we should do it, who says we should do it, what's going to happen if we don't do it – you've heard all of that stuff. I want to step back and I want to tell you that our job at this stage is to deal with the practical reality of what is possible. Not what you want, not what is your favorite, not what's the best, but what is the practical reality of what is possible. We talked a lot about what we're doing as members, what we want as a House. The process we're in now is what we want as two bodies. It isn't

just about what we want. It is about what we have to do together. It isn't the bi-partisan group-hug stuff. It is what the Senate says they can do in their body and what we can do in ours. When I look here and here and when I go home and I talk in front of Rotary Clubs, just like you, and I watch my school board members and my aldermen and my mayor and they want answers. When I don't think about the elected officials, when I go into the grocery store, someone happened to see me pull in with that license plate – who's idea was that? They want to know, "What are you going to do and when are you going to do it?" December 17, 1997 – boy-oh-boy – I'll tell you, when some of us signed up for this gig – who knew that *that* would be here. Somebody referred to a statesman – I came into this House when I was 25 years old. I was so overwhelmed just by the breadth of knowledge and experience that was sitting in this room. I still remember my first speech as my knees were knocking behind this very podium, as they are right now, looking at my husband and my children's godparents up in the gallery who, before they went up there, presented me with a lovely can of spinach. They said, "You can do this. You do what you believe in and you'll never regret it. But, you do take your responsibilities seriously." I thought, at 25, people are now calling me a politician because they elected me, so I guess that's what I am. What about politics? Boy, a lot of people take the easy road there. They just go around telling people what they want to hear. You know what takes courage? Telling them what they need to know. It's easy to show you what is wrong with things. It's easy to talk about line 13 with the apostrophe in the wrong place. It's easy to use words like "schemes". It's easy to say, "Can't pass the Constitution." It's easy to do all of those things. It's hard to come together and govern. It's hard to put aside the things that are important to you. I reminded myself again this week that it is hard to sit in a Committee of Conference. And, for the first time a Committee of Conference not made up of a majority of my party where we could feel like we were having some of the same goals. But, instead, a Committee of Conference, I think in the history of this state, with two bodies with different parties in charge. Instead of thinking our goals are the same as a party, we learned to believe that our goals were the same as legislators. That goal wasn't to talk about all the things that were wrong with what we were doing and how it was different than what we could have had, but the goal was to deal in the realm of the possible. On the last day in that Committee of Conference, which was kind of today, I looked out at the audience and I held my head high as I looked towards who was in that room – we had the front row of extraordinary staff and department heads that have come together and put all of their other thoughts aside except solving the problem. In the middle was a group that wore a badge of a different color than ours, doing their job. Behind that group were more pink shirts than I think I have seen in a room, ever. I felt like, What's between me and them? We are them. That's our job. This badge means that we are their lobbyists. We are their representatives. We listen to them. When I came home at 3:30 this morning and I walked by my answering machine and saw it blinking and thought, "Do I really want to look?" I played those messages. It was kind of an unusual thing. There were six messages, one after the other from the same office. I won't tell you what kind of business it was but it was the same office. All six of those folks identified themselves as working in this office. All six of them identified a different problem that they had with what we were talking about and all six of them identified a different solution to solve the problem that was better than what we were doing. Isn't that true about us? Isn't that true about everybody that came up here and spoke? Everybody that is against this plan is against it for competing reasons. So, where are we if we do what somebody suggested – let's just tell that committee, "Forget it. You apparently didn't hear us." What does that mean to us? What does it mean to our state? It means we start over. You've heard weeks ago about a Committee of Conference – all those dastardly deeds that could occur. Things you didn't even know in the dark of night could appear in the bill that weren't in any version at all. Has that happened before up here? You bet it has. Has it happened on this watch? Never. It didn't happen this time either, because, you know what is easy? It would have been easy to sit in there and fight with the Senate and identify a new revenue source. What would you have thought of us then? How dare you choose one without us knowing. It would have been easy to identify cuts, maybe, and what would you have thought of us then? We worked in the realm of possibility. Although I know that some of you feel terribly strongly about what you should do, I feel equally strongly that when we go home, I want to spend my weekend holding my head high in the grocery store when somebody approaches me with a willingness to say maybe it's not the plan that you thought was best, but we are going to go forward and we are going to continue to work together. While we're talking about children – my 13-year old in junior high, who, frankly,

has given up a great deal of his mother over the last couple of years, actually, came home and said to me one day, "Mom, in school today they talked more about that Claremont problem and one of the things the teacher said is maybe we ought to think about what we would do with ourselves next year if there wasn't school." My son said, "Don't you worry, my Mom and her friends are going to fix it. They are right on top of it." Big challenge, don't you think? But, something that he said made me think about something else about us. You know what I miss the most in this House? In the two years since I have been in leadership – not just one of the people that could take the easy road – I miss my friends. I miss people not turning away looking at you, not being angry at each other, still being willing to leave holding each others hand sometimes and saying, "Wish I could have supported you. Job well done." What we have here are divisions that fight all the time. In a nation where people look to leaders, it's not here where your leaders are, it's here. You have all heard rumors about what is going on in this room. When your voters elected you they did not elect you because they thought you were a follower, they elected you because they thought you were leaders, just like the leaders that you have chosen among yourselves to lead and we have done that. We have sat in that room and we have come to you with something that is possible. I'm not ashamed of it. I believe it will be revisited and I believe good things will continue to occur. But, I refuse to let my vote be the one because of my thing – that one thing – and how many of you have said that? "I could go for that except for that one piece." I will not let that vote be what stops this. We ought to get on to the business – remember all the other important business we do here – budgets and revenues and things that we ought to do to make the actions we take today correct. I ask you to do that with me. I ask you to remember that we don't have to make it personal. We don't have to divert our eyes away. Friends that have been friends in this House for years should mend their fences and get back to the business that we are accustomed to doing with pride. I would ask that you please join me and not just because we worked hard, all of us worked hard. Please join me. Vote this bill out of here and let's continue to work on the things that are important to all of us and show our state that they elected people that could get the job done. Thank you.

### PROTESTS

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Reps. Marple, Donald White, Nancy Wall, Gilman and Wendelboe requested that their protest be entered on the Journal.

The genuine issue of fact is that Article 6 of the New Hampshire Bill of Rights precludes and has precedence in the right of the people to wit: "Shall at all times have the right of electing their own teachers, and of contracting with them for their support or maintenance, or both." This explicit, self-executing language enumerates the duty of agents of the people; said substitute and agents are defined in Article 8 of the New Hampshire Bill of Rights as all "officers of government" must obligate themselves pursuant to Part 2, Article 84, Form of Government. The action taken by all voting to usurp the right of the people is what establishes the foundation of equitable relief by the people for the trespasses perpetrated upon their right as enumerated in Article 6, Bill of Rights. "Trespass on the case" will be the action of the people upon all usurpers; this protest and dissent is to be actual notice to violative agents in their personal capacities.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Reps. Keans, Corbin, Weber, McRae and Langley protested the adoption of the Committee of Conference Report on House Bill 117, and requested that their protest be entered on the Journal.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Weyler requested that his protest be entered on the Journal.

I, Rep. Kenneth L. Weyler, Rockingham Dist. 18, do hereby file a protest petition on the Committee of Conference report on House Bill 117. I have voted against this report for the following reasons:

1. The Supreme Court has introduced a right of education into the constitution which was never intended by the framers.
2. Not only does this amendment support the court's improper action, but it also goes against Part I, Article 6 of the Constitution by taking control of education away from the people.
3. The Business Enterprise Tax required a two-thirds vote to change the rate. The Amendment eliminates the super majority, and doubles the rate.
4. Being a member of the Finance Committee with responsibility to estimate revenues, I believe this amendment is under funded by approximately one hundred million dollars.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Boyce requested that his protest be entered on the Journal.

The compromise proposed by the committee of conference includes several objectionable items, not the least of which is the change by a simple majority vote of the rate for the business enterprise tax while the current RSA clearly prohibits any change without a 2/3 affirmative vote. Further by this same simple majority vote it strikes the current language. This clearly illustrates that any promise made by the legislature and signed by the Governor is worth even less than the paper it is printed on. The citizens of this state can no longer count upon the government to keep its' word.

In addition, this compromise grants to the supreme court the supreme authority to determine tax policy and educational policy in the state. This violation of the constitutional duty of the legislature. The legislature cannot abrogate their duty to set tax policy to anyone, neither the court nor the people themselves. The court has affirmed this by their denial of the proposal to send to the voters a referendum on the Claremont issue. We cannot lay this upon the people to decide and we cannot lay it upon the court.

My conscience says I must vote against this however, because there is a strong possibility that if this failed an even worse compromise would follow I have voted for this bill under protest.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. David Hall requested that his protest be entered on the Journal.

I do hereby go on record that the passage of House Bill 117 as presented by the Committee of Conference is unconstitutional by violating Part 1, Article 6, the Bill of Rights of the New Hampshire Constitution to wit: "The several parishes, bodies corporate or religious societies shall at all time have the right of electing their own teachers, and of contracting with them for their support or maintenance or both. But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination. And every person, denomination or sect shall be equally under the protection of the law; and no subordination of any one sect, denomination or persuasion to another shall ever be established."

This bill (HB 117) subordinates all private and religious schools to the government schools adhering to the religion of secular humanism and violates them from other institutions known or seminaries and private schools included in Part 2, Article 83.

This bill (HB 117) denies numerous individuals in the state of their right of equality of men (Article 1); equality of rights (Article 2); right of conscience (Article 4); religious freedom (Article 5) and right of contract (Article 6).

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Soltani requested that his protest be entered on the Journal.

This bill is the beginning of the slide down the slippery slope of socialism and centralized control of our most valuable assets: the children of our state. It is ironic that at a time where our delegations around the world are advising former socialist soviet to shift to local control and a capitalist economy; we in New Hampshire have chosen just the opposite path. We, the representatives of our people, duly elected, have been bullied into capitulation by what Thomas Jefferson called a judicial junta. Our most sacred principle, that of representative government, has been compromised for the sake of political expedience and under pressure from a self-appointed super legislature.

### RECONSIDERATION

Rep. Chandler moved that the House reconsider its action whereby it adopted the Committee of Conference report on House Bill 117 and spoke against.

Reconsideration failed.

### ENROLLED BILL AMENDMENTS

**HB 79**, relative to reports to the bank commissioner and to safe deposit box openings.

#### Amendment (0967-EBA)

Amend RSA 384:36 as inserted by section 1 of the bill by replacing lines 3 and 4 with the following: Reserve Board's Regulation H(12 CFR 208.62), Federal Deposit Insurance Corporation regulations Part 353 (12 CFR 353.1 et seq.), and National Credit Union Administration regulations section Adopted.

**HB 92**, exempting permanently disabled veterans from the requirement of reestablishing their disability status for the division of motor vehicles every 4 years to prove eligibility for special license plates.

### **Amendment (0966-EBA)**

Amend section 1 of the bill by replacing line 6 with the following:  
*service-connected disability. Such proof shall only have to be made upon initial*  
 Adopted.

### **REMARKS**

Rep. Kennedy moved that the remarks made by Speaker Sytek be printed in the Journal.  
 Adopted.

Speaker Sytek: Before we have the third reading motion, I want to thank every member of the House for your participation in this historic day, in this historic process. Who knew what challenges we would face when we were elected and who knew how difficult it would be to achieve consensus in a body as diverse and as passionate about their ideas as the New Hampshire House and the New Hampshire Senate. I think that you can go home and hold your head high because you were here to do what you thought was best for the people of New Hampshire. I thank you as your presiding officer. I also want to thank the members of the staff, both our legislative staff who knew what the gig was when they signed up, but we had incredible help from folks in the Department of Revenue Administration. If Phil Blatsos is still outside – he may have gone home. This is a man who works for Revenue Administration. He is in charge of the “chase down the people who aren’t paying their taxes division” – Revenue Discovery is what it’s called. He is the numbers guy and whenever we needed a spread sheet and whenever we made one change in the formula we could call him at home, we would E-mail him – he was here at 3:30 this morning when I left and when I came in at 8:30 this morning he was here again. I hope he went home in between. But, he is not even our employee and he worked to help us. We have to acknowledge the remarkable help of all our staff. Legislative Services was here, nobody complained, they were hanging around waiting for something to happen. A remarkable effort on the part of all our staff and they deserve a round of applause. When we needed somebody to draft these technical tax bills it was a daunting task. It required expertise that we didn’t have on staff. So, we scratched our head and looked around and were able to call out of retirement a former employee of Revenue Administration who came back in spite of the fact that he is retired and trying to build a house. Val Berghaus was here well after I went home at 3:30 a.m. Val should come in and take a bow as well. He is probably happier than any of us because he can go back to building his house.

### **RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Call of the Chair.  
 Adopted.

### **LATE SESSION**

#### **Third reading and final passage**

**HB 333**, relative to contracts between participating providers and managed care entities.

**HB 469**, raising the medical payments coverage under automobile insurance policies.

**HB 473**, establishing a committee to study the non-group health insurance market.

**HB 532**, establishing a commission to study early childhood education.

**SB 119**, relative to the withdrawal of a pupil from school.

**HB 689-FN**, establishing a committee to study campaign contributions and expenditures.

**HB 488**, relative to the definition of a developmentally delayed child in the provision of special education services.

**HCR 12**, urging the United States Congress to enact legislation which prohibits the federal government from recouping state tobacco settlement funds.

**SB 19**, extending the reporting date of the state substance abuse treatment delivery system committee.

**HB 251**, relative to official ballot procedures.

**HB 562**, relative to the date of decision for appeals of zoning matters.

**HB 727-FN**, establishing a committee to study the problems and possible regulation of outdoor lighting.

**SB 91**, designating segments of the Cold River as protected under the rivers management and protection program.

**HB 581-L**, relative to deposits on utility meters.

**HCR 5**, encouraging New Hampshire Public Radio to extend its broadcast signal to northern areas of New Hampshire.

**HJR 2**, urging that federal air pollution programs not punish early adopters of air pollution control technology.

**HJR 3**, urging ISO-New England to adopt policies furthering the state's interest in electric utility restructuring.

**HJR 9**, urging the United States Congress and federal Environmental Protection Agency to eliminate federal requirements for oxygenate additives for gasoline.

**SB 41**, correcting a reference in provisions relating to hunting and fishing licenses for members of the armed services.

**SB 160**, establishing a committee to study and identify or establish the duties of the fish and game commission.

**HB 369**, establishing a committee on educational programs on tobacco use for minors.

**HB 408**, relative to drug formularies under managed care entities.

**HB 55-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2001.

**HB 559-FN-A**, authorizing vanity plates or decals for OHRV registrations.

**HB 561-FN**, reducing lab analysis fees of chemical analyses of water.

**HB 639-FN**, relative to motor vehicle registration fees for antique motor vehicles and motorcycles.

**SB 17**, relative to funeral arrangements.

## UNANIMOUS CONSENT

Rep. Eaton addressed the House.

## RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 4:10 p.m.

## RECESS

(Speaker Sytek in the Chair)

## ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 117.

Rep. Ronald Nowe, Sen. D'Allesandro, for the Committee

## RECESS

(Rep. Clegg in the Chair)

## RESOLUTION

Rep. Varrell offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 29, 59, 163 and 188 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

**SB 29-L**, relative to the proper sheltering of dogs. (Criminal Justice and Public Safety)

**SB 59-L**, relative to bonding of animal owners convicted of animal cruelty. (Criminal Justice and Public Safety)



**SB 163**, establishing a commission to study methods for reducing violent incidents involving children and guns. (Criminal Justice and Public Safety)

**SB 188-L**, allowing school districts operating under the official ballot form of meeting to have more than one special meeting per year through court petition on an appropriation question or issue. (Municipal and County Government)

## SENATE MESSAGE

### CONCURRENCE

**HB 78**, relative to the counting of votes when the moderator is disqualified.

**HB 203**, making impaired boating laws consistent with driving while intoxicated laws.

**HB 214**, changing the membership of and extending the reporting date for the committee to study women's health care.

**HB 268-L**, relative to the adoption and rescission of the official ballot form of meeting.

**HB 302**, relative to paint ball guns.

**HB 327-L**, allowing municipal governing bodies to enter into lease agreements for equipment.

**HB 365**, establishing a committee to study the current practice of posting roads and its effect on the economy.

**HB 383**, relative to the authority of the department of environmental services to assign air pollution allowances and credits.

**HB 403**, relative to speed limits on Turtle Town Pond in Concord.

**HB 447**, repealing the laws prohibiting certain promotional games.

**HB 515**, extending the indemnification of persons providing clinical services to the department of health and human services.

**HB 558-FN**, relative to solid waste management.

**HB 710-FN**, relative to expanding the availability of lifetime licenses for hunting and fishing.

**HCR 4**, a resolution urging the U.S. Secretary of Transportation to include U.S. Route 2 as a border corridor highway.

## RECESS

(Rep. Chandler in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 78, 203, 210, 268, 327, 365 and 447 and Senate Bills 19 and 119.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

## RECESS

(Rep. Buckley in the Chair)

### ENROLLED BILL AMENDMENT

**SB 17**, relative to funeral arrangements. (Amendment printed SJ 17, 5/6/99)

Adopted.

## SENATE MESSAGES

### CONCURRENCE

**HB 58**, establishing a committee to study open adoption in New Hampshire.

**HB 230**, clarifying the waste reduction goals for the state of New Hampshire.

**HB 402**, establishing a committee to study methods to promote the use of renewable energy sources.

**HB 426**, relative to clean indoor air in state buildings.

**HB 435**, relative to disclosure by sellers of consumer goods and services.

**HB 530**, establishing a committee to review the policies and procedures of the joint health council.

**HB 556-FN**, relative to transporting hazardous waste.

**HB 557-FN**, relative to hazardous waste permitting and container identification.

**HB 592**, creating a study committee regarding requirements for and usage of methyl t-butyl ether.

**HB 620-FN**, relative to election of vested deferred retirement status for inactive members of the retirement system.

**HB 634-FN**, eliminating the requirement that retirement system disability recipients notify the board of trustees of unreduced social security disability benefits.

**HB 638**, authorizing a limited license for certain travel agents.

**HB 671**, adding a member to the council on resources and development.

**HB 672-FN-A-L**, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth.

**HB 686-FN**, defining the state heritage collections committee's responsibilities and the process for acquiring or disposing of items and collections.

### CONCURRENCE WITH AMENDMENTS

**SB 41**, clarifying references in provisions relating to hunting and fishing licenses for members of the United States army, navy, marines, air force, and coast guard.

**SB 160**, establishing a committee to study and identify or establish the duties of the fish and game commission.

### RECESS

(Rep. Jacobson in the Chair)

### RESOLUTION

Rep. Murphy offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 32, 90 and 230 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 32**, relative to an employer exemption under the unemployment compensation laws. (Labor, Industrial and Rehabilitative Services)

**SB 96**, establishing a committee to study and investigate the needs for small business loans to pay for technical improvements for persons working at home. (Commerce)

**SB 230**, relative to interstate school districts. (Education)

### RECESS

(Rep. Chandler in the Chair)

### RESOLUTION

Rep. Whalley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Constitutional Amendment Concurrent Resolution numbered 26, shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF CACR

#### First, second reading and referral

**CACR 26**, relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; the nature and means of the fulfillment of such duty shall be determined by the legislature and judicial review shall be limited to whether or not there is any rational basis therefor; the legislature shall have exclusive authority to determine and fund the costs or to delegate the authority to impose assessments, rates, and taxes for education to political subdivisions, which if so delegated shall be deemed local and shall be proportional and reasonable within the political subdivision in which they are imposed. (Chandler, Carr 1; Clegg, Hills 23; Boyce, Belk 5; Flora, Hills 15; K. Herman, Hills 13; McGough, Hills 18; Finance)

**RESOLUTION**

Rep. Whalley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 69, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.  
 Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading and referral**

**SB 69-L**, relative to health care charitable trusts and community benefits. (Commerce)

**RECESS**

**(Rep. Konys in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 79**, relative to reports to the bank commissioner and to safe deposit box openings.

**Amendment (1178-EBA)**

Amend section 1 of the bill by replacing line 3 with the following:  
 bank commissioner copies of reports required by the provisions of section 208.62 of the Federal  
 Adopted.

**HB 230**, clarifying the waste reduction goals for the state of New Hampshire.

**Amendment (1183-EBA)**

Amend section 2 of the bill by replacing line 2 with the following:  
 Amend the introductory paragraph of RSA 149-M:29, II to read as follows:  
 Adopted.

**HB 302**, relative to paint ball guns.

**Amendment (1214-EBA)**

Amend section 2 of the bill by replacing line 2 with the following:

II. Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or  
 Adopted.

**HB 556-FN**, relative to transporting hazardous waste.

**Amendment (1190-EBA)**

Amend RSA 147-A:6, V(c) as inserted by section 4 of the bill by replacing line 3 with the following:  
 RSA 147-A, or any rules adopted by the commissioner of the department of safety pursuant  
 Adopted.

**HB 672-FN-A-L**, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth.

**Amendment (1179-EBA)**

Amend the title of the bill by replacing it with the following:  
 AN ACT relative to creating a master plan for Hampton Beach and Hampton Beach state park to deal with growth.

Amend section 1 of the bill by replacing line 2 with the following:  
 Hampton Beach and Hampton Beach state park area, the commissioner of resources and economic  
 Adopted.

**RECESS**

**(Rep. Herman in the Chair)**

**ENROLLED BILL AMENDMENT**

**HB 435**, relative to disclosure by sellers of consumer goods and services.

**Amendment (1221-EBA)**

Amend section 3 of the bill by replacing line 2 with the following:

Added. Amend RSA 361-B:2-a, I to read as follows:

Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 92, 214, 358, 383, 403, 515 and 710 and Senate Bill 91.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECESS****(Speaker Sytek in the Chair)**

Rep. Henderson moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 17

Thursday, May 13, 1999

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Bradley J. Bergfalk from the Concord Covenant Church. God of wind and creation, blow into our lives today as we embark on the business this day brings our way. Help us brave the storm, or, at the very least, hang on for dear life. Amen.

Rep. Cobb led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Courchesne, Crosby, Desmarais, Golden, L'Heureux, McColgan, Nordgren and Searles, the day, illness.

Reps. Asplund, Bergeron, Dearborn, Dolan, Dunham, Feuerstein, Gile, Glines, Guest, Hoadley, Rebecca Hutchinson, James Johnson, Leishman, Mirski, Benjamin Moore, Mosher, O'Keefe, Rowe, Simon, Tate, Weatherspoon and Whittier, the day, important business.

Reps. Dawe, Fraser, Grant, Horton and Dean Ouellette, the day, illness in the family.

### INTRODUCTION OF GUESTS

Shirley Cobb, wife of Rep. Cobb. Irving Boynton, guest of Rep. Case.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 67**, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. (Amendment printed SJ 17, 5/6/99)

Rep. Dowling moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lyman, Irene Pratt, Bickford and Moran.

**HB 240**, prohibiting the reintroduction of wolf populations to the state of New Hampshire. (Amendment printed SJ 17, 5/6/99)

Rep. Ronald Nowe moved that the House concur and spoke in favor.

Adopted.

**HB 442**, relative to charitable gift annuities. (Amendment printed SJ 17, 5/6/99)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 513**, relative to approved permissible fireworks. (Amendments printed SJ 17, 5/6/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 402, 530 and 558.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 743 and 744, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

#### First, second reading and referral

**HB 743**, requiring that the question relative to the necessity for a convention to revise the New Hampshire constitution be presented to the voters in the November 2000 general election. (Weber, Graf 11; Boyce, Belk 5: Election Law)

**HB 744**, ratifying the Plainfield Village Water District annual meeting held on March 27, 1999. (Burling, Sull 1; Jones, Sull 3: Municipal and County Government)

## COMMITTEE REPORTS

### CONSENT CALENDAR – PART I

Rep. Chandler moved that the Consent Calendar Part I with the relevant amendments as printed in the day's House Record be adopted.

**HB 722-FN**, revising the law relative to protection of persons from domestic violence, removed by Rep. Wendelboe.

**HB 617-FN-A-L**, relative to funding and monitoring seacoast harbor issues, removed by Rep. Leber. **HCR 11**, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds, removed by Rep. Bradley.

**HB 673-FN-A**, establishing special number plates for emergency medical service providers and firefighters and continually appropriating fees charged for such plates to certain funds, removed by Rep. McGough.

Consent Calendar adopted.

**HB 637-FN**, including persons who make medical decisions as practicing medicine. RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce: This bill would require medical directors of managed care organizations to be responsible for medical necessity decisions and, therefore, be subject to the New Hampshire Board of Medicine and thus be open for medical liability. The issue of liability is heavily debated as to the costs associated and the implications of being able to sue your HMO, which violates federal law. There was information submitted to the subcommittee by the Medical Society to suggest that the more appropriate action would be to address minimum requirements for licensure of medical directors. This topic is also being introduced through the Governor's "HMO Accountability Act." Vote 17-0.

**HB 216**, relative to release conditions pending trial for defendants in domestic violence, stalking, or protective order violation cases. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill concerns the release of a defendant pending trial in which a person is charged with a domestic violence crime, stalking or a violation of a protective order. We believe RSA 597:2, II already allows the court to hold a person without bail when the person "will endanger the safety of the person or of any other person or the community". HB 216 further defines the circumstances in which the court MAY hold someone in preventive detention without bail in domestic violence, stalking or violation of protective order cases, or in the alternative, add restrictive conditions such as electronic monitoring and supervision. This bill requires the superior court in case of appeal under RSA 597:6-e, II to have a hearing and make written findings based upon the hearing and the review of the district court's written findings, orders, pleadings, or transcript when making modifications. Lastly, language is added to RSA 597:7-a, III (a)(2) sanctions for breach of conditions, saying the person's bail may be revoked if the person "has violated a temporary or permanent protective order or by conduct indicating a potential danger to another." Vote 13-0.

### Amendment (0761h)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph: Release of Defendant Pending Trial. Amend RSA 597:2 by inserting after paragraph III the following new paragraph:

III-a. If a person is charged with a domestic violence related crime, stalking, or violation of a protective order, the court or justice may order preventive detention without bail, or, in the alternative, restrictive conditions including but not limited to electronic monitoring and supervision, if there is clear and convincing evidence that the person poses a danger to another. The court or justice may consider, but shall not be limited to considering, any of the following conduct as evidence of posing a danger:

- (a) Threats of suicide.
- (b) Acute depression.

- (c) History of violating protective orders.
- (d) Possessing or attempting to possess a deadly weapon in violation of an order.
- (e) Death threats or threats of possessiveness toward another.
- (f) Stalking behavior, as defined in RSA 633:3-a.
- (g) Cruelty to or violence directed toward pets.

2 Review and Appeal of Release or Detention Order. Amend RSA 597:6-e, II to read as follows:

II. The person or the state may file with the superior court a motion for revocation of the order or amendment of the conditions of release set by a municipal or district court, by a justice or by a bail commissioner. The motion shall be determined promptly. *In cases where a district court justice has made findings of dangerousness in a domestic violence related crime, stalking, or a protective order violation, the superior court shall, after notification to both parties and the victim, conduct a hearing and make written findings supporting any modifications and reasons for new conditions or changes from the district court order. The reviewing court shall take into consideration the district court's written findings, orders, pleadings, or transcript when making a modification.*

#### **HB 584-FN**, relative to administrative license suspensions. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill further defines the scope of authority to suspend or revoke drivers licenses, by achieving three goals within the Administrative License Suspension (ALS) process. First goal, individuals that request a hearing under ALS and further request that the law enforcement officer be present at the hearing will be responsible for paying a witness fee (\$15 for a half day-\$30 for more than a half day). This fee can be waived for those who are deemed indigent. Communities with small police departments cannot afford the effects of these hearings when they lose the officer for most of a working day. These types of hearings are at the request of the defendant and the law enforcement officer usually sends his report to the hearing unless his presence is requested by the defendant. Second goal, a provision is included for either party to request a review by the Director of Motor Vehicles within 15 days, if either party feels aggrieved by the ruling at the hearing. Currently there is no review process. Third goal, this allows the Department of Safety to accept cases where the driver has registered .08 on a breathalyzer device having a reported value of .08. The driver will still be able to contest the validity of the test results. The last amendment is not related to the ALS process but is related to the fatal hearing statutes. The Department of Safety currently conducts hearings on fatal cases and suspends driver licenses for up to three years. The courts have the ability to suspend or revoke driver licenses for up to seven years. Some cases do not make it to the courts even when a driver's actions may have materially contributed to the death or serious bodily injury to another. This amendment would allow the Department at its hearing to extend the period of revocation from the current 0-3 years to 0-7 years when the driver's actions have materially contributed to the death or serious bodily injury of another. Vote 14-0.

#### **Amendment (0692h)**

Amend the bill by replacing section 3 with the following:

3 Administrative Review and Hearings. Amend RSA 265:91-b, I(c) to read as follows:

(c) If the request is for a hearing, the request shall also indicate whether or not the person desires to have the law enforcement officer present. *If the person requires that the law enforcement officer be present at the hearing, the person shall be responsible for paying an attendance and travel fee. The fees for law enforcement officers whose presence is necessary to address the issues raised by the person which are to be challenged at the hearing shall be paid in accordance with RSA 516:16. The attendance and travel fee shall be paid prior to the date of the scheduled hearing and failure to pay the fee shall result in a waiver of the requirement that the officer be present at the hearing. When a person is unable to pay attendance and travel fees, the person may file a request for a waiver of these fees with the director. Such request shall be accompanied by a financial affidavit listing the person's income and expenses. The waiver shall be granted if the director concludes the person cannot pay these fees due to financial hardship.* The hearing shall be held within 20 days after the filing of the request unless the person requests a continuance. A request for a continuance by the person shall not stay the order of suspension or revocation. The hearing shall be recorded, and be conducted by the department's designated agent. The

hearing may be conducted upon a review of the law enforcement officer's report if there is no request to have the officer present. If there is a request that the law enforcement officer be present at the hearing and the officer fails to appear without good cause shown, the case shall be dismissed and the order rescinded. If the person requesting the hearing fails to appear without good cause shown, the right to a hearing shall be waived and the order sustained.

Amend the bill by replacing section 5 with the following:

5 Appeal or Review. Amend RSA 265:91-d to read as follows:

265:91-d Appeal or Review.

*1. Within 15 days following the examiner's ruling, a person whose license has been suspended or revoked, or a law enforcement officer, may petition the director for a review of the ruling. The filing of the petition shall not stay a suspension or revocation of the person's driver's license or privilege to drive if imposed, or the restoration of the person's driver's license or privilege to drive. After a review of the petition, the director shall issue a written finding either affirming or denying the petition, or issuing any other order, within 15 days.*

*II. Any person aggrieved by a decision of the department under this section, after the administrative review or hearing, may appeal the decision as provided in RSA 263:75. The filing of an appeal shall not stay the action taken by the director.*

**HB 718-FN-L**, relative to statewide administration and funding of special education in the state of New Hampshire as a single school district. INEXPEDIENT TO LEGISLATE

Rep. Clair A. Snyder for Education: This bill would have created the Department of Education as a single school district to administer services and fund all special education costs. This would transfer the liability to the state for all costs and services above 1-1/2 times the state's adequacy figure. Although this sounds appealing, it could create chaos with people from other states flocking to New Hampshire for services with little local control on services or funding. It would also require a huge bureaucracy at the Department of Education to administer it without any funding. This would set a budgetary limit on the amount to be spent for services, which would then leave districts liable for the remaining costs. Additional services required by the federal law would require local districts to fully fund those services. This direction of special education puts mandates at the local level to fund services that the state now pays. Vote 12-2.

**SB 18**, relative to the rulemaking authority of the state board of education regarding certain educational personnel. OUGHT TO PASS

Rep. Arthur J. Pelletier for Education: Currently, new educational personnel or changes in their titles must be addressed through legislation. Generic language in this bill allows such changes to be effected through the rulemaking authority of the state board of education while retaining the Legislature's prerogative to establish additional personnel when deemed necessary. Vote 13-1.

**SB 77**, relative to authorized regional enrollment area schools. OUGHT TO PASS WITH AMENDMENT

Rep. Gordon B. Flint, Sr. for Education: This bill provides for certain changes in the current area school law with regard to the length of an area agreement, the withdrawal of a district from an area agreement, the representation of the sending district on the receiving district's school board, and the manner in which the interests of the school boards of the sending districts will be addressed within the area plan. The amendment sets a timeframe for the area district to take the vote. Vote 13-0.

#### Amendment (1043hh)

Amend the bill by replacing section 2 with the following:

2 AREA Schools; Review of AREA Plan and Withdrawal Procedure. Amend RSA 195-A:14, VIII to read as follows:

VIII. The vote to withdraw from an area shall take effect on July 1 of the calendar year [~~one year subsequent to~~] *which shall be at least 2 years after* the date on which the withdrawal vote is adopted [~~, or as determined in the plan~~]. *The plan may provide for an earlier date.*

Amend the bill by deleting section 3 and renumbering the original section 4 to read as section 3.

#### AMENDED ANALYSIS

This bill provides for certain changes in the current area school law with regard to the length of an area agreement and the withdrawal of a district from an area agreement.



**SB 117**, relative to the duties of the board of trustees of the community-technical college system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill restores certain duties to the Board of Trustees of the Community-Technical College system and makes certain technical revisions to the duties of the Board of Trustees. These duties and technical revisions were inadvertently left out of SB508 of last year's session. The amendment requires that reports and recommendations of the public higher education study committee be sent to the Commissioner of the regional community-technical college system. Vote 14-0.

#### **Amendment (0993h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the duties of the board of trustees of the community-technical college system and relative to reports made to the commissioner of the regional community-technical college system.

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-4 to read as sections 2-5 respectively:

1 Public Higher Education Study Committee; Report and Recommendation. Amend RSA 187-A:28-d to read as follows:

187-A:28-d Report and Recommendations. The committee shall submit a report to the general court by January 15 of each year. Copies of the report shall be submitted to the governor and council, the senate finance and education committees, the house of representatives finance and education committees, the board of trustees of the university system, *the commissioner of the regional community-technical college system*, and to any other individual or organization as the committee deems advisable.

#### **AMENDED ANALYSIS**

This bill adds certain duties to the board of trustees of the community-technical college system and makes certain technical revisions to the duties of the board of trustees. The bill also requires that reports and recommendations of the public higher education study committee be sent to the commissioner of the regional community-technical college system.

**HB 316**, relative to political party expenditures. **INEXPEDIENT TO LEGISLATE**

Rep. Raymond Buckley for Election Law: The Committee will be looking into the entire issue of campaign finance reform with the study committee created by the House in HB 689. The Committee agrees that complete disclosure is the foundation for campaign finance reform and will take the points in HB 316 into consideration as they deliberate the issue this summer and fall. Vote 16-0.

**HB 390-L**, relative to lengthening the polling hours in towns. **INEXPEDIENT TO LEGISLATE**

Rep. Natalie S. Flanagan for Election Law: Under current law there is a process for voters in towns to vote to change polling hours, provided that the polls do not open later than 11 o'clock a.m. or close earlier than 7 o'clock p.m. This bill would add a provision stating that the polls shall not close later than 8 o'clock in the evening and would add a new process for changing polling hours in towns. As drafted, the bill is unclear and creates conflicts with current law. Since a process for changing polling hours already exists, the committee felt the bill was inexpedient to legislate. Vote 15-0.

**SB 38**, relative to the optional term for election of a cooperative school district moderator. **OUGHT TO PASS**

Rep. Raymond Buckley for Election Law: The Committee supports enabling school districts to vote by warrant to determine the term of the school district's moderator. SB 38 would allow the local school district to choose to expand the term of their moderator from a one-year term to either a two- or three-year term. The Committee agrees with the sponsor that the school district moderator's position is often one that is non-contested and it should be left to the local voters to determine the length of the term. Vote 17-0.

**HB 348-FN**, privatizing the sale of liquor. **INEXPEDIENT TO LEGISLATE**

Rep. Michael O'Neil for Executive Departments and Administration: The topic of this bill has been discussed for years by the New Hampshire Legislature and the committee agrees with past decisions that the present state liquor sales operation serves the best interest of the state. The income

generated by this operation provides a very important and vital revenue source for the state operating budget and to tinker with the system would be disruptive to the budget and would require additional tax burdens on the citizens of the state. Vote 16-0.

**HB 414-FN**, relative to the salary of the executive director of fish and game. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The amendment that is shown in the calendar replaces the bill and changes the title. The original bill deals with a change of the pay grade for an unclassified individual. Over the last 2 years the legislature has not granted individual pay group changes. The governor and the ED&A committee agree that there are serious deficiencies in the present pay structure in the unclassified service. This bill as amended will establish a chapter study committee to investigate what action the legislature should take. This committee will report in November if legislation or funding is needed. The last time this was discussed was in 1990 and nothing came of that study. Vote 16-0.

**Amendment (0175h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the unclassified salary structure for state officers.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the unclassified salary structure for state officers.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the unclassified salary structure for state officers pursuant to RSA 94:1-a, I, and any other matters related to the unclassified salary structure deemed necessary by the committee.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill established a committee to study the unclassified salary structure of state officers.

**HB 658-FN**, relative to certification and registration requirements for recovery agents who assist bail agents and sureties. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Zolla for Executive Departments and Administration: This bill requires recovery agents who assist bail agents and sureties in the apprehension, surrender and surveillance of defendants to be trained and certified through a program approved by the Professional Bail Agents of the United States and to provide proof of liability insurance to, and be registered with the secretary of state prior to entry into the state for recovery. This bill still requires bail agents, sureties and recovery agents to notify a municipality's chief law enforcement office if the search is to be conducted in his jurisdiction. Persons failing to comply with the provisions of this bill shall be guilty of a class A misdemeanor. Vote 15-0.

**Amendment (0983h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to certification, registration, and insurance requirements for recovery agents who assist bail agents and sureties.

Amend RSA 597:7-b, II and III as inserted by section I of this act by replacing them with the following:

II. Any person who operates as a recovery agent in this state shall be trained and certified through a program approved by the Professional Bail Agents of the United States and shall register annually with the secretary of state. The secretary of state shall issue to each registered recovery agent proof of such registration. Effective July 1, 2000, each bail agency operating in this state shall annually provide to the secretary of state proof of liability insurance coverage in the amount of \$300,000 for bail recovery activities of the agency's bail agents and bail recovery agents. This proof of insurance coverage shall be provided before the agency's bail agents are licensed or relicensed, and before the agency's bail recovery agents are registered or reregistered. Bail recovery agents acting as independent contractors shall provide proof of liability insurance coverage in the amount of \$300,000 to the secretary of state before registration or reregistration. Any person who operates as a recovery agent in this state without meeting such certification, insurance, and registration requirements shall be guilty of a class A misdemeanor.

III. A bail agent or recovery agent searching for a person who has violated conditions of release shall notify a municipality's chief law enforcement officer if the search is to be conducted in the municipality's jurisdiction. A bail agent or recovery agent who violates the provisions of this paragraph shall be guilty of a class A misdemeanor.

### AMENDED ANALYSIS

This bill requires recovery agents who assist bail agents and sureties in the apprehension, surrender, and surveillance of defendants to be trained and certified through a program approved by the Professional Bail Agents of the United States and to provide proof of insurance to and be registered with the secretary of state.

**HB 670**, establishing an advisory board to study the future of the New Hampshire automated information system's "Webster" Internet site. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Murphy for Executive Departments and Administration: This bill establishes a board to advise the state librarian on matters pertaining to the state's Internet web site, "WEBSTER". The board is charged with recommending standards to the state librarian for electronic publications and coordinating the content of state agency information for publication on the Internet. The board will be composed of eight members with representation from all 3 branches of government. The members of the board that are elected officials will serve terms coterminous with their terms of office and the remaining board members will serve for 3-year terms. The board will issue an annual report on its activities. Vote 16-0.

### Amendment (0838h)

Amend the bill by replacing all after the enacting clause with the following:

I New Section; "Webster" Advisory Board Established. Amend RSA 201-A by inserting after section 26 the following new section:

201-A:27 "Webster" Advisory Board Established.

I. There is hereby established a board to advise the state librarian and to study the future direction of "Webster," the state of New Hampshire's automated information system Internet site.

II. The members of the board shall be as follows:

(a) One house member, appointed by the speaker of the house.

(b) One senator, appointed by the senate president.

(c) One member representing the judicial branch, appointed by the chief justice of the supreme court.

(d) The state librarian, or designee

(e) The director of information technology management, or designee.

(f) The state archivist, or designee.

(g) One member representing the governor's office, appointed by the governor.

(h) One public member, appointed by the governor, who shall be an end user of the information available on Webster.

III. The terms of the members appointed pursuant to subparagraphs II(c) and (h) shall be 3 years; the terms of all other members shall be coterminous with their terms in office. In the event of a vacancy, a new member shall be appointed for the unexpired term in the same manner as the original appointment.

IV. Members of the board shall serve without compensation. Members of the legislature shall receive mileage at the legislative rate when attending to the duties of the commission.

V. The board shall advise the state librarian on matters pertaining to the state's web site known as Webster, examine models from other states, coordinate Internet information content activities on an interagency basis, and recommend standards to the state librarian for electronic publications and other electronic information dissemination issues.

VI. The members of the board shall elect a chairperson from among the members. The first meeting of the board shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. The board shall meet quarterly or as needed and shall make an annual report on or before November 1 of each year which shall be submitted to the speaker of the house of representatives, the president of the senate, the governor, and the state librarian.

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 716-FN**, requiring review of proposed administrative rules by house and senate policy committees. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: The committee recognized the point that the sponsors wished to make with this bill. Subsequent discussion revealed two major problems with the proffered approach: (1) Policy committee review of proposed administrative rules would lengthen the process; and (2) how could policy committees be expected to review proposed rules during the summer and fall months. Perhaps, at some future date, a mechanism will be found to accomplish the intent of the sponsors Vote 15-0.

**SB 60**, establishing a committee to study the licensure of radiographers and radiologic technicians. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: On April 14, 1999, the House voted to re-refer HB 598, an act to license x-ray technicians. SB 60 establishes a study committee to study the licensure of these persons. As a result of our previous action, it was considered prudent to pass this study bill to review this situation with combined House and Senate input. Vote 17-0.

#### **Amendment (1050h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the licensure of radiographers and radiologic technologists.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the licensure of radiographers and radiologic technologists.

Amend the introductory paragraph of section 3 of the bill by replacing it with the following:

3 Duties. The committee shall study the licensure of radiographers, radiologic technologists, and the inclusion or exception for persons operating x-ray systems designed for the irradiation of any part of the human body for diagnostic or therapeutic purposes. The committee seek input from persons or representatives of the following:

#### **AMENDED ANALYSIS**

This bill establishes a committee to study the licensure of radiographers and radiologic technologists.

**HB 66-FN**, relative to disability retirement benefits for retirement system members permanently incapacitated for duty. **OUGHT TO PASS**

Rep. Robert G. Holbrook for Finance: This bill requires New Hampshire retirement system members to prove the cause of accident was work-related in order to qualify for disability benefits for permanent incapacity, including a request for a lump sum payment, from either the New Hampshire retirement system or an insurance company. Vote 23-1.

Reps. Christie, Perkins and Quandt declared conflicts of interest and did not participate.

**HB 220-FN-L**, repealing the excavation tax and excavation activity tax. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: Despite decade-old problems with uniform taxation on quarrying or mining earth, the sponsor suggested the bill be Inexpedient to Legislate and that the pro-

visions of HB 666 be used for necessary changes to RSA Chapter 72-B. HB 666 clarifies the intent and procedures of excavation, creates exemptions to the tax including fees, and also permits enforcement with liens of potential excavation violations Vote 23-2.

**HB 274-FN**, relative to the office of the consumer advocate. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Finance: As received from the policy committee, this bill changes the appointing authority for the Consumer Advocate from the Attorney General to the Governor and Council, and establishes a Residential Ratepayers Advisory Board. The Finance Committee voted a further amendment, to remove a new staff position and to change the authority of the Advisory Board from nominating candidates for Consumer Advocate to recommending them. Vote 23-0.

**Amendment (0973h)**

Amend RSA 363:28, I as inserted by section 2 of the bill by replacing it with the following:

I. The office of the consumer advocate shall be an independent agency administratively attached to the public utilities commission pursuant to RSA 21-G:10. The office shall consist of the following:

(a) A consumer advocate, appointed by the ~~[attorney general]~~ *governor and council*, who shall be ~~[a full-time classified employee and]~~ a qualified attorney admitted to practice in this state. *The consumer advocate shall serve a 4-year term and until a successor is appointed and qualified.*

(b) An assistant consumer advocate appointed by the ~~[attorney general]~~ *consumer advocate*, who shall be a full-time classified employee ~~[and a qualified attorney admitted to practice in this state].~~

(c) A secretary *appointed by the consumer advocate.*

(d) Two additional staff people~~[-, who may be a rate analyst and an economist]~~ *appointed by the consumer advocate. When filling these positions, the consumer advocate should consider appointing rate analysts or economists.*

Amend RSA 363:28-a, V(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Prior to the expiration of the consumer advocate's term, the board shall recommend to the governor and council whether to reappoint the consumer advocate. If the board does not recommend reappointment or the governor and council do not accept the board's recommendation to reappoint, the board shall then recommend 3 persons to the governor and council to fill the position.

**AMENDED ANALYSIS**

This bill establishes the residential ratepayers advisory board to advise the office of the consumer advocate. This bill changes the appointing authority for the consumer advocate from the attorney general to the governor and council. This bill also provides that the consumer advocate shall serve a 4-year term.

**HB 485-FN**, relative to the calculation of unemployment compensation benefits. OUGHT TO PASS Rep. Robert G. Holbrook for Finance: As requested by the Unemployment Compensation Advisory Council, this bill brings up to date methods for State-Federal Extended Benefit Programs to conform to US Department of Labor rules. The bill would also broaden the scope of determining the appropriate employer to charge for unemployment compensation benefits. A change in cost for these improvements cannot be determined. Vote 23-0.

**HB 486-FN-A**, relative to the physician effectiveness program. OUGHT TO PASS WITH AMENDMENT

Rep. Marjorie K. Smith for Finance: This bill authorizes the implementation of the physician effectiveness program by the board of medicine. The physician effectiveness program has two major objectives: 1) the protection of the public through early identification, treatment and long term monitoring of physicians who are impaired because of physical or mental illness, including alcohol and/or drug abuse and dependency; and 2) the rehabilitation of the physician.

The amendment provides for the board of medicine to assess additional fees in order to generate revenue of \$40,000 over the board's budget request for fiscal years 2000 and 2001. Vote 22-1.

**Amendment (1024h)**

Amend the bill by replacing section 2 with the following:

2 Authorization for Fee; Appropriation for 2000 and 2001.

I. The fee of \$10 authorized in RSA 329:13-b as inserted by section 1 of this act shall be in addition to the fees established by the board of medicine in effect as of the effective date of this act. The total fees assessed shall be established to provide revenues of \$40,000 over and above those estimated by the board of medicine for fiscal years 2000 and 2001 of \$1,239,574 in support of the board's budget request for the biennium.

II. The sum of \$40,000 is hereby appropriated to the board of medicine for each of fiscal years 2000 and 2001 from the general fund for the purpose of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1999.

**HB 546-FN-A**, providing partial funding to support research monitoring groundwater at reclamation sites that have had sludge applied. OUGHT TO PASS

Rep. Jeffrey C. MacGillivray for Finance: This bill funds research on groundwater at reclaimed gravel pit sites that have been treated with a mixture of sand, sewage sludge, and short paper fiber. The bill transfers \$20,000 of unspent funds budgeted for local state aid grants, which would have lapsed at the end of June, 1999, to the UNH office of sponsored research to conduct this research. Given the past use of sludge for reclaiming sites such as gravel pits, and given current controversy over the appropriate level of such use of sludge, transferring this \$20,000 for scientific research of the outcome of past use appears very appropriate. Vote 22-1.

**SB 109**, deleting the witnessing requirement for notices of lease. OUGHT TO PASS

Rep. Robert H. Rowe for Judiciary: Leases of real estate for a term of 7 years or more require a Notice of such lease to be recorded in the Registry of Deeds for the county where the property is situated. The law has required that such Notice be witnessed, and signatures of the parties be acknowledged by a Justice of the Peace or Notary Public. As of August 15, 1981 deeds and other similar instruments that are acknowledged no longer require a witness. This legislation corrects the oversight as to Notices of Lease, and a witness no longer will be required. Vote 15-0.

**SB 139**, relative to self-proved wills and making reference changes. OUGHT TO PASS

Rep. Tony F. Soltani for Judiciary: This bill has three objectives. First, it makes a technical correction in the statute to refer to the registry of probate which is the proper term rather than "register" of probate. Second, it recognizes self-proving wills which are executed according to the laws of the state or country in which they originate. Third, it requires that the will of a decedent be filed with the registry of probate where there are no probate assets. These changes, although technical in nature, will facilitate the proper recording of deeds and most likely minimize the expenses to the families of persons who leave no probate assets. All objectives are laudable. Vote 12-0.

**HB 579-FN**, relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce. RE-REFER TO COMMITTEE

Rep. David A. Hall for Labor, Industrial and Rehabilitative Services: Currently, benefits are paid only to individuals seeking full-time employment. This bill would expand eligibility to part-time workers. The last available data has the number of part-time workers at 122,000 or 19.3% of the workforce. The sponsors have concern for those in permanent part-time positions who might become unemployed through no fault of their own and are denied benefits because either by choice or circumstance they seek only part-time work. The Department of Employment Security determined that removing the requirement that full-time workers be ready, willing and able to accept suitable employment on any shift for which there is a market for their services will increase the benefit outlays from the Unemployment Trust Fund by \$4,088,448 and could jeopardize the ability of the Department to meet the demand of a recession. During sub-committee deliberations, parties on both sides agreed to re-refer to allow the Department to complete a more detailed study of past denied claims and to meet with the Advisory Council to explore possible solutions. Vote 18-1.

**SB 180**, establishing a committee to study the improvement of employment opportunities offered by the state of New Hampshire for persons with disabilities. OUGHT TO PASS

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: This bill establishes a study committee to look at issues pertaining to improving state employment opportunities for those with disabilities. The intent of this bill is to take the first step in making the state of New Hampshire a model employer for qualified workers with disabilities. As a model employer, the state can then assist the private sector in similar initiatives. Vote 14-2.

**HB 730-FN**, establishing a pilot program for the recording of committee proceedings of the general court. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Legislative Administration: This bill would have established a pilot program to record all proceedings of House standing committees. The speaker has already started a pilot program with the Science and Technology Committee. The results of the study are not in yet, but some members of the Legislative Administration Committee wanted this bill re-referred so that the committee could investigate other electronic means of keeping the record of committee proceedings. With this in mind, the committee is requesting that this bill be re-referred. Vote 13-0.

**HCR 2**, recognizing outstanding student role models in the public schools. OUGHT TO PASS WITH AMENDMENT

Rep. Winston H. McCarty for Legislative Administration: This resolution endeavors to promote more recognition of those students in our public schools for their good behavior. School principals of each school will issue certificates to selected students based on school faculty recommendations. Notices of those selected will be sent to the Governor, Speaker of the House and Senate President. Vote 13-0.

### Amendment (0905h)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION recognizing students who display good behavior in the public schools.

Amend the resolution by replacing all after the title with the following:

Whereas, the conduct of students who display good behavior, who lead by example, and who strive for excellence by putting forth their best effort in all that they do enhances the overall educational experience for all students; and

Whereas, students who consistently exhibit such behavior should be recognized in their schools and communities; and

Whereas, recognition of these students by the school principal shall reinforce the value and importance of such behavior in the schools and communities of the state; now therefore be it

Resolved by the House of Representatives, the Senate concurring:

That students who display good behavior, who lead by example, and who strive for excellence by putting forth their best effort in all that they do be recognized by school principals in their respective schools; and

That the school principal of each school, based on recommendations from school faculty, select 2 students from each school in the state to be recognized in their schools and communities; and

That the school principal issue a certificate of recognition to each student selected and that principals are encouraged to publicize this student recognition in the local newspapers and the local community; and

That the house clerk send copies of this resolution to the governor, the speaker of the house, the senate president, and the commissioner of the department of education.

### AMENDED ANALYSIS

This house concurrent resolution encourages schools and communities to recognize students statewide who display good behavior, who lead by example, and who strive for excellence by putting forth their best effort in all that they do.

**HB 446-L**, subjecting certain land in the town of Newport to local land use regulations. RE-REFER TO COMMITTEE

Rep. Betsey L. Patten for Municipal and County Government: The committee realized that the issue surrounding the property owned and operated by the Sullivan County Regional Refuse Disposal District in Newport was far more complex than originally expected. The zoning change requested might have carved out a single use in a single locality, which seemed to be contrary to all of our local land use regulations. The subcommittee recommended re-refer in order to get input from three other committees; Environment and Agriculture, Resources, Recreation and Development, and Science, Technology and Energy. Also, there are ongoing discussions between the municipal district entity and the towns and cities that make up the refuse disposal district. Vote 12-1.

**SB 161-L**, relative to amending the contributory pension system for employees of the city of Manchester. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Municipal and County Government: This bill ratifies the existing practice regarding the contributory pension system in the City of Manchester. The language of the bill parallels the language voted on by the citizens of Manchester by charter referendum. The amendment addresses a similar but not identical problem regarding pensions for the Town of Salem. It does not change existing policy; it simply ratifies existing practice. No one appeared in opposition to either the original bill or the amendment. Vote 16-0.

#### **Amendment (0978h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to amending the contributory pension system for employees of the city of Manchester and authorizing the town of Salem pension plan.

Amend the bill by replacing section 11 with the following:

11 Town of Salem; Pension Plan Authorized, Established, and Validated; Termination. The town of Salem is authorized to establish and maintain the Town of Salem Money Purchase Plan in that form in effect as of January 1, 1987, and as subsequently amended through to the effective date of this section. The adoption and amendment of the Town of Salem Money Purchase Plan is hereby confirmed by the New Hampshire legislature and validated by this act, provided that said Town of Salem Money Purchase Plan is terminated by the town of Salem not later than June 30, 1999, and that the benefits thereunder be distributed to the participants and beneficiaries thereof in accordance with the terms of said plan.

12 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill makes various changes to the law authorizing the contributory pension system of the employees of the city of Manchester. This bill also authorizes the town of Salem pension plan and validates the plan subject to its termination prior to June 30, 1999.

**HB 609**, relative to construction of a sewer force main through a state land conservation easement. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Cloutier: This bill would allow Sullivan County to lay a segment of a sewer line below a piece of private property in Claremont. Private property on which the state possesses certain rights pursuant to the land conservation investment program under RSA 162-C. The property owner has no objection to the line, which would allow the county to tie in with Claremont's sewage treatment plant, and thus save county taxpayers from having to build an entirely new wastewater treatment plant for the county complex which is in neighboring Unity. The amendment, drafted with the help of the Office of State Planning, says that the proposed line would only be used for wastewater from the complex, and that no additional private or non-county ties, hook-ups, or similar connections would be allowed. The amendment also says the line's installation will not impair any of the conservation values for which the easement was purchased, nor will such installation impair continuing private agricultural activities, for which the property in question is now being used. Vote 16-0.

#### **Amendment (0987h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Certain Land in the City of Claremont. Notwithstanding any other law to the contrary, the land now owned by one Edward MacGlaflin, with certain property rights possessed by the state pursuant to the land conservation investment program under RSA 162-C, identified in the city's records as tax map 19, parcels 24 and 48, may be used by Sullivan County for the purpose of laying a segment of 6-inch sewer force main below the surface of said land. The proposed sewer line running from the Sullivan County Complex in the town of Unity to the Claremont sewer system shall be used for wastewater treatment solely from the complex and no additional private tie-ins, hook-ups, or similar non-public connections shall be allowed.

2 The general court hereby affirms its long term commitment to preserving the natural beauty, landscape, rural character, and natural resources of New Hampshire consistent with the enabling legislation of the land conservation investment program. The general court recognizes that in this specific instance, use of said protected land for the purposes described in section one of this act



will not impair any of the conservation values for which such conservation easement was purchased, nor will installation impair continuing private agricultural activities. As such, the general court finds that this legislation balances the public purposes of providing clean, efficient, and reasonably priced sewer service to the Sullivan County Complex in Unity, with the need to ensure that the public's investment in conservation lands through the land conservation investment program is not diminished over time.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill allows Sullivan County to lay a segment of a sewer force main below land in Claremont with certain property rights owned by the state under the land conservation investment program.

The sewer line shall be used solely for wastewater treatment from the Sullivan County complex in the town of Unity and no additional tie-ins, hook-ups, or connections shall be allowed.

### **HCR 9, encouraging greater health care choices for senior citizens throughout New Hampshire. OUGHT TO PASS WITH AMENDMENT**

Rep. Richard P. Herman for State-Federal Relations and Veterans Affairs: This legislation will encourage greater health care choices for Medicare-eligible citizens in NH. We urge the Federal government to review its Medicare policies & procedures to this goal. Specifically, reimbursement rates for physicians, hospitals, and home health care providers. Also, Medicare premium rates and applications for Medicare insurance product introductions. The amendment added the word "premium" in line 17 and date of 1997 in line 21 Vote 13-0.

### **Amendment (0864h)**

Amend the resolution by replacing the title of the resolution with the following:

**A RESOLUTION** encouraging greater health care choices for Medicare eligible citizens throughout New Hampshire.

Amend the resolution by replacing all after the resolving clause with the following:

That the general court of New Hampshire hereby urges the federal government to review Medicare policies and procedures to ensure that New Hampshire senior citizens retain all Medicare options. Specifically, the federal government should evaluate the Medicare environment in New Hampshire to ensure that:

(a) Existing policies and procedures provide for citizens to have a choice of Medicare options;  
(b) Medicare reimbursement rates for physicians, hospitals, and home health care providers are sufficient to allow for access to needed care statewide and greater product choice in rural areas of the state;

(c) Medicare premium rates for New Hampshire managed care products be set at a level that allows attractive benefit coverage to citizens;

(d) Applications for Medicare insurance product introduction or expansions in New Hampshire receive high priority status by the federal government; and

(e) Congress reviews the impact of the "Balanced Budget Act" of 1997 on the ability of Medicare health maintenance organizations and home health care providers to continue to operate in New Hampshire; and

That a copy of this resolution be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire delegation.

### AMENDED ANALYSIS

This house concurrent resolution urges the federal government to review Medicare policies and procedures to ensure greater choice for Medicare eligible citizens throughout New Hampshire.

### **HJR 7, supporting the continued management of the White Mountain National Forest for multiple uses as a part of the National Forest System. OUGHT TO PASS**

Rep. Richard P. Herman for State-Federal Relations and Veterans Affairs: All testimony offered was in favor of maintaining the current status. No organization or individual spoke in favor of changing the status. US Senator Judd Gregg does not support a change. The multiple uses of the forest would be severely curtailed by limited park uses, costly economical losses to NH towns by

clearing the harvesting of commercial lumber trees and town's taxes coming from that tax source. The committee was unanimously opposed to changing the status to a National Park, which would change the current uses of the forest area. Vote 14-0.

**HB 560-FN**, relative to the suspension or revocation of youth operators' licenses. RE-REFER TO COMMITTEE

Rep. Robert J. Letourneau for Transportation: This bill is an attempt to specify that a license held by a person under 20 years of age may not be suspended or revoked on account of non-moving violations, and that citations for moving violations given to such drivers must contain a warning message. A problem the committee faces is that there is not a "moving violation" statute in current law, and the state currently uses a point system for driver infractions. However, the Department of Safety is using an under 20 statute written before that system was put into place. The committee is working with the Department of Safety to correct problems that sometimes rise from this type of strict enforcement through a rules change. The committee would like to keep this bill over the summer to address any problems that may arise during these rule changes. Vote 16-0.

**SB 35**, establishing a study committee to investigate motor vehicle inspection requirements. IN-EXPEDIENT TO LEGISLATE

Rep. Peter R. Cote for Transportation: This session the House passed HB 676, which will increase fees for motor vehicle inspection stickers and establishes the position of motor vehicle inspectors. The inspectors' duties will be to insure that the New Hampshire inspection stations meet state requirements. HB 676 will meet the goals of this bill, therefore, SB 35 will not be needed. Vote 16-0.

**SB 75**, relative to out-of-state boats. OUGHT TO PASS WITH AMENDMENT

Rep. Gordon E. Bartlett for Transportation: This bill establishes a study committee to look at a possible permit system for out-of-state boats using some of our larger lakes. This system is used in other states to fund education of sewage discharge, graywater and other environmental protection agency issues. Vote 15-0.

**Amendment (1012h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Study the feasibility of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. The study shall include, but not be limited to:

(a) The effect of a permit system on interstate agreements.

(b) The effect of a permit system on New Hampshire boaters temporarily using the waters of other states.

(c) The appropriate administering body for a permit system.

(d) The appropriateness of a fee for the permits, and whether a fee should be used to fund the enforcement of restrictions on the discharge of sewage and graywater from boats and to fund education programs on safety laws and wildlife protection for out-of-state boaters, in addition to funding the costs of administering the permit system.

II. Seek input from the department of environmental services, the fish and game department, the department of resources and economic development, the department of safety, the New Hampshire Marine Trades Association, and the New Hampshire Lakes Association.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

**SB 138**, relative to joint tenancy with rights of survivorship. OUGHT TO PASS

Rep. Robert J. Letourneau for Transportation: This bill denotes how individuals who are joint owners of an automobile can provide for rights of survivorship. Under current statute, if you are co-owner of an automobile and one or the other co-owner dies, the car will go into probate tying up the title, often for a long period of time. This bill would clarify the word "or" on titles. The words "and" & "or" define the rights of ownership and conveyance of property. When the word "and" is used, both signatures are needed to convey ownership. When the word "or" is used, either signature will define the right of ownership in life or death. Vote 16-0.

### REGULAR CALENDAR – PART I

**SB 56**, amending the law relative to who may adopt. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Julie M. Brown for the Majority of Children and Family Law: This bill revises the current adoption law to allow a person over the age of 18 to be adopted by a non-biological parent providing the child, the biological parent, and any spouses, all concur. The testimony received demonstrated the value of the "Big Brother" "Big Sister" program in children's lives. Vote 12-2.

Rep. David A. Bickford for the Minority of Children and Family Law: This bill is for adults to adopt adults. The minority sees the only advantage of this bill is to avoid inheritance taxes. The bill could easily allow the loneliness of the elderly to be taken advantage of by adults looking for an inheritance.

Majority report adopted and ordered to third reading.

**HB 450**, prohibiting a prepayment penalty on a second mortgage home loan which has been in existence for 4 years. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: The committee, recognizing the growing importance and utilization of nondepository banks and licensees and concerned that the rights of the consumer be protected, voted to ITL this bill, but to incorporate prepayment penalties in a study committee of first and second mortgages under HB 451. Vote 15-1.

Adopted.

**HB 451**, relative to payments of first and second home mortgages. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: After extensive and frequently contradictory testimony relative to the computation of interest payment on first and second mortgages held by nondepository banks and licensees, (as defined in RSA 397-A and RSA 398-A), the committee amended the bill to create a chapter study committee. The committee felt this complicated subject required in-depth study of the various methods of interest calculations being used and if the consumer was adequately informed of the payment methods. It was of great concern to the committee that consumers were not aware of the consequences of deviating, by a couple of days, from the schedule of payments and; therefore, incurred penalties. The committee felt that this study should also include how prepayment penalties are applied under these RSAs. Vote 15-1.

### Amendment (0856h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study first and second mortgage home loans.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study first and second mortgage home loans.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, at least 2 of whom shall be members of the commerce committee, appointed by the speaker of the house.

(b) Three members of the senate, at least 2 of whom shall be members of the banks committee, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall review the provisions of RSA 397-A, relative to nondepository first mortgage bankers and brokers, and RSA 398-A, relative to second mortgage home loans, as they relate to the computation of interest payments on first and second mortgage home loans and prepayment penalties.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study first and second mortgage home loans.

Adopted.

Report adopted and ordered to third reading.

**HB 647-FN**, relative to health care providers and provider agreements with health insurers. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: The bill, as introduced, would eliminate the rate of HMOs in delivering health insurance to New Hampshire citizens. There are components of the bill (gag clauses), which this House has already prohibited. While the committee is sensitive to the sponsor's concerns and does agree that there are real and perceived problems with managed care, the committee has re-referred two other HMO bills and has created two statutory study committees to look into the issues highlighted through this legislation. The committee simply does not need to re-refer this bill at this time. Vote 9-8.

Reps. Gilman, Martel and Sabella spoke against.

Rep. Fuller Clark spoke in favor.

Rep. Garrish spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Gilman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 157 NAYS 184**

**YEAS 157**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Turner, Robert

Boriso, Thomas  
Lawton, David

Boyce, Robert  
Rice, Thomas

Czech, Stanley  
Thomas, John

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy

Dickinson, Howard  
Mock, Henry

**CHESHIRE**

Avery, Stephen	Blaisdell, Michael	Hunt, John	Lerandeau, Alfred
Roberts, William	Royce, H Charles	Smith, Edwin	

**COOS**

Guay, Lawrence	Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr
Woodward, David			

**GRAFTON**

Alger, John	Eaton, Stephanie	Harmon, Hobart	Johnson, Gary
Marshall, Gene	Scanlan, David		

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas, Jr	Batula, Peter	Belvin, William
Bergin, Peter	Brundige, Robert	Burkush, James	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Clegg, Robert, Jr	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Gagnon, Paul	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith
Jean, Loren	Johnson, Lionel	Kurk, Neal	LaRose, Richard
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
McCarty, Winston	McGough, Tim	Mendenhall, Leslie	Mercer, Robert
Moran, Edward	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Sargent, Maxwell
Thulander, O Alan	White, John	Withee, Dennis	

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Hess, David	Jacobson, Alf
Larrabee, David, Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Reardon, Tara	Whalley, Michael		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Christie, Andrew, Jr	Clark, Martha	Clark, Vivian	Cote, Patricia
Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Henderson, Warren
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Major, Norman
McKinney, Betsy	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	Packard, Sherman	Reardon, Neil	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Weare, Everett	Welch, David
Zolla, William			

**STRAFFORD**

Brown, Julie	Dunlap, Patricia	Knowles, William	Lundborn, Raymond
Musler, George	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Vincent, Francis	Woods, Phyllis		

**SULLIVAN**

Burling, Peter	Flint, Gordon, Sr	Leone, Richard	Robb-Theroux, Amy
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**NAYS 184****BELKNAP**

Lawton, Robert  
Salatiello, Thomas

Millham, Alida  
Wendelboe, Francine

Pilliod, James  
Wood, Jane

Rosen, Ralph

**CARROLL**

Sullivan, P Judith

Torresen, Gary

**CHESHIRE**

Batchelder, Robert  
Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy

Burnham, Daniel  
Manning, Joseph  
Pratt, Irene  
Rose, William

DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara  
Russell, Ronald

Doucette, Richard  
Meador, David  
Riley, William  
Zerba, Roger

**COOS**

Davis, Perley  
Rodrigue, Robert

Hawkinson, Marie

Landers, Dana

Mears, Edgar

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Ham, Bonnie  
Picconi, Al

Almy, Susan  
Dudley, Terri  
Hinman, Harry  
Solow, Martha

Cobb, John  
Gilman, G Michael  
MacNeil, Allen  
Ward, Brien

Copenhaver, Marion  
Hall, David  
Phinney, William  
Weber, Phil

**HILLSBOROUGH**

Ahern, Richard  
Beaupre, Roland  
Craig, James  
Fenton, James  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
McCarthy, William  
Messier, Irene  
Perkins, Paul  
Vaillancourt, Steve

Andrews, Frederick  
Bruno, Pierre  
Curran, James  
Fletcher, Richard  
Herman, Richard  
Konys, Christine  
Lynde, Harold  
McDonald, James, Sr  
Milligan, Robert  
Reidy, Frank  
Wall, Nancy

Arthur, Rose  
Buckley, Raymond  
Desrosiers, William  
Garrish, Linda  
Holley, Sylvia  
LaPorte, George  
Martel, Andre  
McDonough-Wallace, Alice  
Moriarty, Mary  
Sarette, John  
White, Donald

Baroody, Benjamin  
Christiansen, Lars  
Dwyer, Paul, Sr  
Ginsburg, Ruth  
Jean, Claudette  
Lasky, Bette  
Martin, Mary  
Melcher, Harold  
Murphy, Robert  
Turgeon, Roland  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Fortnam, Janet  
Langer, Ray  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Chase, George  
French, Barbara  
Moore, Carol  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, Charles

Daneault, Gabriel  
Hager, Elizabeth  
Owen, Derek  
Seldin, Gloria  
Wallin, Jean

Davis, Francis  
Kennedy, Richard  
Potter, Frances  
Soltani, Tony  
Wallner, Mary Jane

**ROCKINGHAM**

Beaulieu, Jon  
Cooney, Richard  
Fesh, Robert  
Hamel, Albert  
Kobel, Rudolph  
Mikowski, Walter  
Pitts, Jacqueline  
Rabideau, Marie  
Sabella, Norma  
Shultis, Elizabeth  
Weyler, Kenneth

Bishop, Franklin  
Corbin, C David  
Flanders, David  
Johnson, Robert  
Langone, John  
Norelli, Terie  
Priestley, Anne  
Raynowska, Bernard  
Sapareto, Frank  
Stickney, Nancy

Bridle, Russell  
Cox, Russell  
Gibbons, Paul  
Kane, Cecelia  
Letourneau, Robert  
O'Neil, Michael  
Putnam, Ed, II  
Rubin, George  
Schanda, Frank  
Varrell, Thomas

Case, Margaret  
Downing, Michael  
Griffin, Mary  
Kelley, Jane  
Lovejoy, Marian  
Pantelakos, Laura  
Quandt, Marshall  
Ruffner, Walter  
Shelton, Richard  
Vaughn, Charles

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
McKinley, Robert	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Twardus, Joseph
Wall, Janet			

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas, Jr	Jones, Constance
Tuthill, John	Wiggins, Celestine		

and the report failed.

Rep. Hunt moved Re-refer to Committee.

Adopted.

**SPECIAL ORDER**

**HB 487**, relative to the adoption of bonds or notes in certain school districts and municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris Estabrook for Education: This bill, as amended, provides that a 3/5 majority vote shall be required, not the current 2/3, to adopt bonds or notes in school districts and municipalities which have adopted official ballot voting procedures, commonly known as SB 2. SB 2 has democratized the process by enfranchising all voters, resulting in expanded voter participation. Balloting in 1999 in SB 2 communities is significantly different from traditional meeting in 1895, when the 2/3 statute was enacted. In addition, data now show it to be twice as likely a bond will fail in a SB 2 district, as compared with those under traditional meeting format. The committee supports this modest change, to lessen the minority's ability, clearly magnified in SB 2 communities, to block the intent of the majority and its ability to address pressing facilities needs. The committee also supports the amendment, replacing the bill's original requirement of a simple majority with a 3/5 requirement, in order to retain the need for a super majority. Vote 17-2.

**Amendment (0589h)**

Amend RSA 33:8 as inserted by section 1 of the bill by replacing it with the following:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, *and except a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13* shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. *The issue of notes or bonds by a school district or municipality which has adopted official ballot voting procedures pursuant to RSA 40:13 shall be authorized by a vote of 3/5.* No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate

in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

### AMENDED ANALYSIS

This bill provides that a 3/5 majority vote shall be required to adopt bonds or notes in school districts and municipalities which have adopted official ballot voting procedures.

Rep. Philbrick requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

### YEAS 230 NAYS 115

#### YEAS 230

#### BELKNAP

Czech, Stanley	Holbrook, Robert	Lawton, Robert	Millham, Alida
Rice, Thomas	Salatiello, Thomas	Turner, Robert	Wood, Jane

#### CARROLL

Bradley, Jeb	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
Sullivan, P Judith	Torressen, Gary		

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

#### COOS

Davis, Perley	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Rodrigue, Robert	Tholl, John, Jr	Woodward, David	

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Eaton, Stephanie	Johnson, Gary
MacNeil, Allen	Picconi, Al	Solow, Martha	

#### HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Baroody, Benjamin	Beaupre, Roland	Belvin, William	Bergin, Peter
Brundige, Robert	Buckley, Raymond	Burkush, James	Chabot, Robert
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Curran, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A	Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton
Fenton, James	Fields, Dennis	Ford, Nancy	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
LaRose, Richard	Lasky, Bette	Lefebvre, Roland	Leonard, Peter
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William
McCarty, Winston	McDonald, James, Sr	McDonough-Wallace, Alice	McGough, Tim
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Moran, Edward	Moriarty, Mary	Murphy, Robert	O'Hearn, Jane
Perkins, Paul	Peterson, Andrew	Reeves, Sandra	Reidy, Frank
Turgeon, Roland	Vaillancourt, Steve	White, John	Williams, Carol



**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	French, Barbara	Hager, Elizabeth
Hess, David	Jacobson, Alf	Larrabee, David, Sr	Lavoie, Gerard
Moore, Carol	Nichols, Avis	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Seldin, Gloria	Soltani, Tony
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Case, Margaret	Clark, Martha	Cox, Russell	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Francoeur, Sheila	Gibbons, Paul	Griffin, Mary	Hamel, Albert
Henderson, Warren	Johnson, Robert	Kane, Cecelia	Kobel, Rudolph
Langone, John	Lovejoy, Marian	McKinney, Betsy	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall	Sabella, Norma
Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Tufts, J Arthur	Vaughn, Charles	Welch, David	Zolla, William

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Twardus, Joseph
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	Phinzy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	

**NAYS 115****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Lawton, David
Pilliod, James	Rosen, Ralph	Thomas, John	Wendelboe, Francine

**CARROLL**

Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
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**GRAFTON**

Dudley, Terri	Gilman, G Michael	Hall, David	Ham, Bonnie
Harmon, Hobart	Hinman, Harry	Marshall, Gene	Phinney, William
Scanlan, David	Ward, Brian	Weber, Phil	

**HILLSBOROUGH**

Alukonis, David	Batula, Peter	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Desrosiers, William	Emerton, Lawrence	Fletcher, Richard
Flora, Kathleen	Goulet, Maurice	Herman, Keith	Holley, Sylvia
Jean, Loren	Kurk, Neal	Lessard, Rudy	Martel, Andre
Martin, Mary	Milligan, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
Pappas, Marc	Pepino, Leo	Sarette, John	Sargent, Maxwell
Thulander, O Alan	Wall, Nancy	White, Donald	Withee, Dennis

**MERRIMACK**

Anderson, Eric	Kennedy, Richard	Langer, Ray	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Poulin, Dave	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Bridle, Russell	Christie, Andrew, Jr
Clark, Vivian	Cooney, Richard	Corbin, C David	Cote, Patricia
Dalrymple, Janeen	Flanders, David	Flanders, John, Sr	Gleason, John
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Langley, Jane
Letourneau, Robert	Major, Norman	Mikowski, Walter	Nowe, Ronald
Noyes, Richard	Priestley, Anne	Putnam, Ed, II	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Rubin, George	Ruffner, Walter
Schanda, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Weare, Everett	Weyler, Kenneth	

**STRAFFORD**

Berube, Roger	McKinley, Robert	Musler, George	Torr, Franklin
Woods, Phyllis			

**SULLIVAN**

None

and the amendment was adopted.

Rep. Eaton voted Yea and intended to vote Nay.

Reps. Brundige, Langer and Patten spoke against.

Rep. McKinley spoke against and yielded to questions.

Reps. Dokmo, Alger and Estabrook spoke in favor and yielded to questions.

Rep. Brundige requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 176 NAYS 171****YEAS 176****BELKNAP**

Pilliod, James	Salatiello, Thomas	Wood, Jane
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**CARROLL**

Kenney, Joseph

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Zerba, Roger		

**COOS**

Davis, Perley  
Pratt, Leighton

Hawkinson, Marie  
Rodrigue, Robert

Landers, Dana

Mears, Edgar

**GRAFTON**

Alger, John  
Eaton, Stephanie  
Solow, Martha

Almy, Susan  
Johnson, Gary

Copenhaver, Marion  
MacNeil, Allen

Densmore, Jessica  
Picconi, Al

**HILLSBOROUGH**

Ahern, Richard  
Buckley, Raymond  
Cote, David  
Daigle, Robert  
Dwyer, Paul, Sr  
Franks, Suzan  
Ginsburg, Ruth  
Herman, Richard  
Konys, Christine  
Lynde, Harold  
Melcher, Harold  
Moriarty, Mary  
Peterson, Andrew  
White, John

Arthur, Rose  
Burkush, James  
Cote, Peter  
Dokmo, Cynthia  
Fields, Dennis  
Gagnon, Eugene  
Goley, Jeffrey  
Jean, Claudette  
LaRose, Richard  
Martel, Andre  
Mendenhall, Leslie  
Murphy, Robert  
Reidy, Frank  
Williams, Carol

Baroody, Benjamin  
Chabot, Robert  
Craig, James  
Drabinowicz, A  
Ford, Nancy  
Gagnon, Paul  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Turgeon, Roland

Bergin, Peter  
Clemons, Jane  
Curran, James  
Durham, Susan  
Foster, Linda  
Garrish, Linda  
Hall, Betty  
Keye, Harvey  
Leonard, Peter  
McDonough-Wallace, Alice  
Messier, Irene  
Perkins, Paul  
Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace  
Davis, Francis  
Larrabee, David, Sr  
Reardon, Tara  
Virtue, Carolyn

Brewster, Richard  
Fortnam, Janet  
Moore, Carol  
Rodd, Beth  
Wallin, Jean

Chase, George  
French, Barbara  
Owen, Derek  
Seldin, Gloria  
Wallner, Mary Jane

Daneault, Gabriel  
Hager, Elizabeth  
Potter, Frances  
St Cyr, Gerard  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Francoeur, Sheila  
Kane, Cecelia  
Norelli, Terie  
Sapareto, Frank  
Tufts, J Arthur

Blanchard, MaryAnn  
Cooney, Richard  
Gibbons, Paul  
Katsakiores, Phyllis  
Pantelakos, Laura  
Shelton, Richard  
Vaughn, Charles

Bridle, Russell  
Cox, Russell  
Gleason, John  
Langone, John  
Pitts, Jacqueline  
Shultis, Elizabeth

Case, Margaret  
DiFruscia, Anthony  
Johnson, Robert  
Lovejoy, Marian  
Sabella, Norma  
Splaine, James

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Johnson, Nancy  
Lundborn, Raymond  
Smith, Marjorie  
Taylor, Kathleen

Brennan, William  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Musler, George  
Snyder, Clair  
Twardus, Joseph

Brown, George  
Domingo, Baldwin  
Grassie, Anne  
Knowles, William  
Pelletier, Arthur  
Spang, Judith  
Vincent, Francis

Brown, Julie  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spear, Barbara  
Wall, Janet

**SULLIVAN**

Allison, David  
Flint, Gordon, Sr  
Tuthill, John

Burling, Peter  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
Phinizy, James  
Young, David

Donovan, Thomas, Jr  
Robb-Theroux, Amy

**NAYS 171****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Wendelboe, Francine

Boriso, Thomas  
Lawton, David  
Rosen, Ralph

Boyce, Robert  
Lawton, Robert  
Thomas, John

Czech, Stanley  
Millham, Alida  
Turner, Robert

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Philbrick, Donald

Bradley, Jeb  
Lyman, L Randy  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry  
Torresen, Gary

Dickinson, Howard  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Guay, Lawrence

Merrill, Gerald

Tholl, John, Jr

Woodward, David

**GRAFTON**

Akins, Ralph  
Gilman, G Michael  
Hinman, Harry  
Ward, Brien

Brothers, Richard  
Hall, David  
Marshall, Gene  
Weber, Phil

Cobb, John  
Ham, Bonnie  
Phinney, William

Dudley, Terri  
Harmon, Hobart  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Calawa, Leon, Jr  
Coughlin, Pamela  
Dyer, Merton  
Flora, Kathleen  
Holley, Sylvia  
Lefebvre, Roland  
Martin, Mary  
McRae, Karen  
O'Connell, Timothy  
Sarette, John  
White, Donald

Andrews, Frederick  
Belvin, William  
Carlson, Donald  
Dalianis, Griffin  
Emerton, Lawrence  
Goulet, Maurice  
Jean, Loren  
Lessard, Rudy  
McCarthy, William  
Milligan, Robert  
Pappas, Marc  
Sargent, Maxwell  
Withee, Dennis

Arnold, Thomas, Jr  
Brundige, Robert  
Christiansen, Lars  
Daniels, Gary  
Fenton, James  
Hansen, Herbert  
Kurk, Neal  
Lozeau, Donnalee  
McDonald, James, Sr  
Moran, Edward  
Pepino, Leo  
Thulander, O Alan

Batula, Peter  
Bruno, Pierre  
Clegg, Robert, Jr  
Desrosiers, William  
Fletcher, Richard  
Herman, Keith  
LaPorte, George  
MacGillivray, Jeffrey  
McGough, Tim  
Nolan-Piteri, Dawn  
Reeves, Sandra  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Langer, Ray  
Marple, Richard  
Poulin, Dave

Hess, David  
Lavoe, Gerard  
Marshall, Kenneth  
Soltani, Tony

Jacobson, Alf  
Leber, William  
Maxfield, Roy  
Whalley, Michael

Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis  
Whittemore, James

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Flanagan, Natalie  
Hamel, Albert  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne

Beaulieu, Jon  
Clark, Vivian  
Dowling, Patricia  
Flanders, David  
Henderson, Warren  
Langley, Jane  
Mikowski, Walter  
Noyes, Richard  
Putnam, Ed, II

Belanger, Ronald  
Corbin, C David  
Downing, Michael  
Flanders, John, Sr  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall

Bishop, Franklin  
Cote, Patricia  
Fesh, Robert  
Griffin, Mary  
Kelley, Jane  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie

Raynowska, Bernard  
Schanda, Frank  
Varrell, Thomas  
Zolla, William

Reardon, Neil  
Stickney, Nancy  
Weare, Everett

Rubin, George  
Stone, Joseph  
Welch, David

Ruffner, Walter  
Stitch, C Donald  
Weyler, Kenneth

### STRAFFORD

Bickford, David  
Rollo, Michael

Cossette, Larry  
Torr, Franklin

Kaen, Naida  
Woods, Phyllis

McKinley, Robert

### SULLIVAN

Jones, Constance

and the report was adopted.

Ordered to third reading.

Rep. Eaton voted Yea and intended to vote Nay.

### RECESS

### (Speaker Sytek in the Chair)

### WITHOUT OBJECTION

Following the lunch recess, the Speaker called for consideration of the Consent Calendar – Part II, to be followed by the remainder of the Regular Calendar – Part I.

### COMMITTEE REPORTS

### CONSENT CALENDAR – PART II

Rep. Chandler moved that the Consent Calendar Part II with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**HB 662-FN**, relative to the duties of the liquor commission. RE-REFER TO COMMITTEE

Rep. Stephen G. Avery for Commerce: This bill would limit the Liquor Commission to certain restrictions as to how they do business. The committee is not yet ready in limiting the commission as they are doing a great job raising revenues for the State. There has been at least one incident in Portsmouth, which did raise some questions, and the committee would like to take some extra time to look at these issues. Vote 14-0.

**HB 732**, relative to nonpayment of member dues and fees and access to financial records of condominium associations. OUGHT TO PASS WITH AMENDMENT

Rep. Gene B. Marshall for Commerce: This bill amends the current law, which allows condominium owner associations to terminate common privileges and services, including parking, to owners who are seriously delinquent in payment of common assessments. This bill concerns some issues that arose in the implementation of the new law by adding due process protections. It also assures access of owners to all financial records of their condominium association. Vote 13-1.

### Amendment (1133h)

Amend the bill by replacing section 2 with the following:

2 Termination of Common Privileges and Services. RSA 356-B:46, IX is repealed and reenacted to read as follows:

IX. Notwithstanding any law, rule or provision of the condominium declaration, bylaws or rules to the contrary, the unit owners' association may authorize pursuant to RSA 356-B, its board of directors to, after 30 days prior written notice to the unit owner and the unit owner's first mortgagee of nonpayment of common assessments, terminate the delinquent unit's common privileges and cease supplying any unit which is delinquent in payment of common assessments for a period of 3 months or a total of more than \$1,000, whichever is greater, with any and all services normally supplied or paid for by the unit owners' association. Where such services or privileges include use of, or access to a parking space, the board of directors may, upon application to a court of competent jurisdiction for an order authorizing same, cause any motor vehicle to be towed or

removed from such space at the delinquent unit owner's expense. The court shall issue an order pursuant to this section in accordance with the rules governing the issuance of a preliminary injunction. The court may consider all legal and equitable defenses of the delinquent unit owner and shall not issue an order without notice to said owner of the pending claim.

**HB 706**, relative to the definition of "sexual contact" under the sexual assault laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: The definition of sexual contact is clarified in Section 1. Section 2 clarifies the fact that a person is guilty of aggravated felonious sexual assault without penetration when such person touches whether directly, through clothing, or otherwise, the genitalia of a person under the age of 13 under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification. The remainder of the bill deals with the federal requirement of registration of criminal offenders. Added to the list of those required to register are those found guilty of incest, computer pornography, and using a computer to seduce, solicit, lure, or entice a child or another person believed by the person to be a child. Vote 13-0.

**Amendment (0720h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of "sexual contact" under the sexual assault laws and relative to the registration of certain criminal offenders.

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions; Sexual Contact. Amend RSA 632-A:1, IV to read as follows:

IV. "Sexual contact" means the intentional touching *whether directly, through clothing, or otherwise*, of the victim's or actor's sexual or intimate parts, including breasts and buttocks[~~and the intentional touching of the victim's or actor's clothing covering the immediate area of the victim's or actor's sexual or intimate parts~~]. Sexual contact includes only that aforementioned conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification.

2 Aggravated Felonious Sexual Assault. Amend RSA 632-A:2, II to read as follows:

II. A person is guilty of aggravated felonious sexual assault without penetration when he intentionally touches *whether directly, through clothing, or otherwise*, the genitalia of a person under the age of 13 under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification.

3 Registration of Criminal Offenders; Definitions Amended. Amend RSA 651-B:1, V (a) and (b) to read as follows:

(a) Any of the following offenses, where the victim was under the age of 18 at the time of the offense, RSA 633:1, 633:2, 633:3, **639:2**, or 645:2; or

(b) RSA 169-B:41, II, 639:3, III, 649-A:3, **649-B:3**, **649-B:4** or 650:2, II; or

4 Registration of Criminal Offenders; Duration of Registration; Offenses Added. Amend RSA 651-B:6, I to read as follows:

I. Any sexual offender convicted of a violation or attempted violation of RSA 632-A:2 or 632-A:3, and any offender against children convicted of a violation or attempted violation of RSA 169-B:41, II, 633:1, 633:2, **639:2**, 639:3, III, 645:2, II, 649-A:3, I, **649-B:3**, **649-B:4**, or 650:2, II, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for life.

5 Registration of Criminal Offenders; Duration of Registration; Multiple Offenses. Amend RSA 651-B:6, III to read as follows:

III. Notwithstanding the provisions of paragraph II, any sexual offender or offender against children who *has been convicted of more than one offense listed in RSA 651-B:1, III or RSA 651-B:1, V, or who* is sentenced to an extended term of imprisonment pursuant to RSA 651:6, I(b) shall be registered for life.

6 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill adds touching, whether directly, through clothing, or otherwise, to the definition of sexual contact and aggravated felonious sexual assault without penetration within RSA 632-A. This bill also adds the criminal offenses of incest and computer pornography and child exploitation to the criminal offenders registration statute.

**HB 739**, eliminating the restrictions on the number of days bingo volunteers may serve. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill, as introduced, repealed RSA 287-E:7, IV relative to restrictions on assisting in the conduct of bingo games or of Lucky 7 games. The committee felt that was too big a step to take and that a gradual lessening of the work restrictions was what was needed. The new amendment simply says that one may work these games no more than 2 times in any calendar week, which we specifically defined as Sunday through Saturday. Vote 16-0.

**Amendment (1044h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** eliminating certain restrictions on the number of days bingo volunteers may serve.

Amend the bill by replacing section 1 with the following:

1 Bingo and Lucky 7 Volunteers; Restrictions on Number of Days Volunteers May Assist. Amend RSA 287-E:7, XIV to read as follows:

XIV. No person shall assist in the conduct of bingo games or of lucky 7, or any combination thereof, more than 2 times in one ~~[7-day period; nor shall any such assists occur during the next 7 day period; no person shall assist in the conduct of bingo games or of lucky 7 on behalf of more than 2 licensed organizations in any calendar year. This paragraph shall not apply to any person who, on or before January 1, 1985, assisted at any licensed game in any commercial hall more than 2 days in one 7 day period]~~ *calendar week, meaning Sunday through Saturday.*

**AMENDED ANALYSIS**

This bill limits the prohibitions on how frequently a volunteer may assist in the conduct of games of bingo or lucky 7 to no more than 2 times in one calendar week, meaning Sunday through Saturday. This bill also eliminates the exception for any person who, on or before January 1, 1985, assisted at any licensed game in any commercial hall more than 2 days in one 7 day period.

**SB 30**, relative to the cruelty to animals law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill allows the animal control officer, law enforcement officer, or officer of a duly licensed humane society to take into temporary protective custody any animal where there is probable cause that the animal has been abused or neglected. It further set forth the procedures for the care and disposition of any animal taken into custody. It further requires a veterinarian be present when livestock are involved. The amendment deletes the requirement that the appointed veterinarian be the law enforcement officer for animals involved in pari-mutuel racing. The committee felt that pari-mutuel racing is presently regulated sufficiently to avoid any problems with animal abuse. Vote 16-0.

**Amendment (1046h)**

Amend RSA 644:8. IV-a as inserted by section 1 of the bill by deleting subparagraph (c):

**AMENDED ANALYSIS**

This bill eliminates the provision that a veterinarian be the enforcement officer to take a non-livestock domesticated animal into protective custody upon a finding of probable cause of cruelty to animals.

The bill requires the investigating officer be accompanied by a veterinarian licensed under RSA 332-B or the state veterinarian when taking an animal considered livestock into protective custody. The accompanying veterinarian shall set the probable cause criteria for taking the animal.

**SB 121**, requiring reports to the department of justice following certain DWI arrests and refusals to take alcohol concentration tests. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill would require law enforcement officers to make reports to the attorney general following DWI arrests that do not result in charges being filed and also where someone takes or refuses a breath test where no charges are filed. Presently, the police must file a report with the attorney general when a DWI charge is reduced or dismissed. To also do it when someone is simply arrested for DWI but not charged would greatly add to the police workload. If a person passes the breath test and is released, there is no need to burden the department with the submission of a report. In those instances where too many

letters were going to the attorney general's office regarding the reduction of DWI charges, the attorney general contacted that police department and advised them to prosecute the cases, not reduce the charge. In another case where a person was arrested for DWI and the case never went forward, both police chiefs were forced to resign. The committee felt that the present statute was working just fine. Vote 14-0.

**HB 613-FN-L**, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission. RE-REFER TO COMMITTEE

Rep. Michael O'Neil for Executive Departments and Administration: This bill would combine and re-organize the pari-mutuel and sweepstakes commissions into a single gaming commission. Due to the uncertainty of the future of the gaming industry in New Hampshire, the committee believes it prudent to re-refer HB 613-FN in order to further investigate the impact of combining the two commissions into one at the present time. Vote 16-0.

**HB 626-FN**, relative to revising the laws regulating accountancy. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson for Executive Departments and Administration: This bill, as amended, brings the State of New Hampshire into compliance with the Uniform Accountancy Act, model legislation developed jointly by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy. Furthermore, the bill removes the prohibition against non-licensees who perform "general accounting services," i.e. bookkeeping, tax preparation and allows them to describe themselves as "accountants". All parties seemed to have reached an agreement on this bill. Vote 17-0.

### Amendment (1131h)

Amend the bill by replacing section 1 with the following:

1 Accountancy Act. RSA 309-B is repealed and reenacted to read as follows:

### CHAPTER 309-B

#### NEW HAMPSHIRE ACCOUNTANCY ACT

309-B:1 Citation. This chapter may be cited as the "Accountancy Act of 1999."

309-B:2 Purpose. It is the policy of the state of New Hampshire and the purpose of this chapter, to promote the reliability of information that is used for guidance in financial transactions or for accounting for or assessing the financial status or performance of commercial, noncommercial, and governmental enterprises. The public interest requires that persons professing special competence in accountancy or offering assurance as to the reliability or fairness of presentation of such information shall have demonstrated and maintained their qualifications to do so; that a public authority competent to prescribe and assess the qualifications and to regulate the professional conduct of licensees be established; and that the use of titles that are likely to mislead the public as to the status or competence of the persons using such titles be prohibited.

309-B:3 Definitions. In this chapter:

I.(a) "Attest" means providing the following financial statement services:

(1) Any audit or other engagement to be performed in accordance with the American Institute of Certified Public Accountants' Auditing Standards Board's Statements on Auditing Standards (SAS).

(2) Any review of a financial statement or compilation of a financial statement to be performed in accordance with the American Institute of Certified Public Accountants' Auditing Standards Board's Statements on Standards for Accounting and Review Services (SSARS).

(3) Any examination of prospective financial statements to be performed in accordance with the American Institute of Certified Public Accountants' Statements on Standards for Attestation Engagements (SSAE).

(b) The Statements on Standards specified in subparagraph (a)(1)-(3) above shall be adopted by reference by the board pursuant to rulemaking and shall be those developed for general application by recognized national accountancy organizations such as the American Institute of Certified Public Accountants.

II. "Board" means the New Hampshire board of accountancy established under RSA 309-B:4.



III. "Certificate" means a certificate as a certified public accountant issued under RSA 309-B:5 or corresponding provisions of prior law, or a corresponding certificate as certified public accountant issued after examination under the law of any other state.

IV. "CPA firm" means a sole proprietorship, a corporation, a partnership including a limited liability partnership, a limited liability company including a professional limited liability company, or any other legally authorized association issued a license under RSA 309-B:8.

V. "Financial Accounting Foundation" means the independently incorporated organization, the board of trustees of which consists of members of organizations having special knowledge of, and interest in, financial reporting, that is responsible for the oversight and funding for the Financial Accounting Standards Board and the Governmental Accounting Standards Board.

VI. "Financial Accounting Standards Board" or "FASB" means the designated organization formed by the Financial Accounting Foundation or its successor organization that establishes the standards of financial accounting and reporting for nongovernmental entities recognized by the United States Securities and Exchange Commission and the American Institute of Certified Public Accountants.

VII. "Governmental Accounting Standards Board" or "GASB" means the designated independent organization in the private sector or its successor organization that establishes the standards of financial accounting and reporting for state and local governmental entities recognized by the United States Securities and Exchange Commission and the American Institute of Certified Public Accountants.

VIII. "License" means a certificate issued under RSA 309-B:5, a permit issued under RSA 309-B:8 or a registration under RSA 309-B:9; or in each case, a certificate or permit issued under corresponding provisions of prior law.

IX. "Licensee" means the holder of a license as defined in RSA 309-B:3, VIII.

X. "Manager" means a manager of a professional limited liability company established under RSA 304-D or equivalent statute in another state.

XI. "Member" means a member of a professional limited liability company established under RSA 304-D or equivalent statute in another state.

XII. "Peer review" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm that performs attest services, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

XIII. "Permit" means a permit to practice as a CPA firm issued under RSA 309-B:8 or corresponding provisions of prior law, or under corresponding provisions of the laws of other states.

XIV. "Professional" means arising out of or related to the specialized knowledge or skills associated with certified public accountants.

XV. "Report," when used with reference to financial statements, means an opinion, report, or other form of language that states or implies assurance as to the reliability of any financial statements, and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that such person or firm is an accountant or auditor, or from the language of the report itself. The term "report" shall include any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to or special competence on the part of the person or firm issuing such language, and it shall include any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence.

XVI. "Rule" means any rule adopted by the board under RSA 541-A.

XVII. "State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam; except that "this state" means the state of New Hampshire.

XVIII. "Substantial equivalency" is a determination by the board or its designee that the education, examination, and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination, and experience requirements contained in this chapter and rules relating thereto adopted under RSA 541-A, or that the individual certified public accountant's education, examination, and experience qualifications are comparable to or exceed the education, examination, and experience requirements contained in this chapter and rules relating thereto adopted under RSA 541-A.

XIX. "Uniform Accountancy Act" means the third edition of the model legislation developed jointly by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy as published in 1998.

309-B:4 Board of Accountancy; Appointment; Disposition of Fees; Rulemaking.

I.(a) There is hereby created the New Hampshire board of accountancy, which shall have responsibility for the administration and enforcement of this chapter. The board shall consist of 5 members, all of whom shall be residents of this state appointed by the governor with the approval of council. Three members shall be holders of certificates under RSA 309-B:5 or corresponding provisions of prior law; one member shall be a public accountant who is a holder of a currently valid registration, and one member shall be a public member, who is not, and never was, a member of the accounting profession, or the spouse of such a person, but who has, or has had, professional or practical experience in the use of accounting services and financial statements so as to be qualified to make judgments about the qualifications and conduct of persons and firms subject to regulation under this chapter. The one position to be occupied by a public accountant shall instead be occupied by a public member after the number of public accountants holding currently valid public accountant registrations drops below 25.

(b) Members of the board shall serve staggered 5-year terms. Members serving terms of less than 5-years under prior law shall serve out such shorter terms. A vacancy occurring during a term shall be filled by appointment of the governor and approval of council for the unexpired portion of such term. Upon the expiration of a member's term, such member shall continue to serve until a successor shall have been appointed and taken office.

(c) No person who has served 2 successive complete terms shall be eligible for reappointment, but appointment to fill an unexpired term shall not be considered a complete term for this purpose. All terms of service under prior law shall be considered in determining the completion of 2 consecutive terms.

(d) Any member of the board whose certificate under RSA 309-B:5 or registration under RSA 309-B:9 of this chapter is revoked or suspended shall automatically cease to be a member of the board. A board member may be removed for cause by the governor and council under RSA 4:1.

II.(a) The board shall elect annually from among its members a chairperson, a secretary-treasurer, and such other officers as the board may deem appropriate.

(b) The board shall meet at such times and places as may be fixed by the board. Meetings of the board shall be open to the public except insofar as they are concerned with investigations under RSA 309-B:11 and except as may be necessary to protect information that is required to be kept confidential by board rules or by the laws of this state. A majority of the board members then in office shall constitute a quorum at any meeting duly called.

(c) The board shall have a seal which shall be judicially noticed.

(d) The board shall retain or arrange for the retention of all applications, all documents under oath that are filed with the board, and records of its proceedings. The board shall maintain a registry of the names and addresses of all licensees under this chapter. In any proceeding in court, civil or criminal, arising out of or founded upon any provision of this chapter, copies of any of the records certified as true copies under the seal of the board shall be admissible in evidence as tending to prove the contents of said records.

III.(a) Each member of the board shall be paid \$100 for each day or portion of a day spent in the discharge of official duties and shall be reimbursed for actual and necessary expenses incurred in the discharge of official duties.

(b) In addition to the amounts in subparagraph (a), the secretary-treasurer shall be compensated in an amount to be determined by the board, but not to exceed \$5,000.

IV. All moneys collected by the board from fees authorized under this chapter shall be received and accounted for by the board, shall be deposited in the state treasury to the credit of the board, and shall not lapse. Administration expenses shall be limited to the funds collected and may include, but shall not be limited to, the costs of conducting investigations and of taking testimony and procuring the attendance of witnesses before the board or its committees; all legal proceedings taken under this chapter for the enforcement of this chapter; and educational programs for the benefit of the public or licensees and their employees. All fees prescribed by the board under prior law shall remain in effect until the board shall prescribe a new schedule of fees pursuant to RSA 541-A.

V. The board shall file an annual report of its activities with the governor, the president of the senate, and the speaker of the house of representatives. The report shall include a statement of all receipts and disbursements and a listing of all current licensees under this chapter. The board shall mail a copy of the annual report to any person requesting it, upon payment of a reasonable charge.

VI. The board may employ an executive director, investigators, and such other personnel as it deems necessary for administration and enforcement under this chapter. It may appoint such committees or persons to advise or assist it in such administration and enforcement, as it may see fit. It may retain its own counsel to advise and assist it, in addition to such advice and assistance as is provided by the department of justice.

VII. The board shall have the power to take any action necessary and proper to carry out the purposes of this chapter, including the power to sue and be sued in its official name as an agency of this state; to issue subpoenas to compel the attendance of witnesses and the production of documents; and to administer oaths, to take testimony, to cooperate with the appropriate authorities in other states in investigations and enforcement concerning violations of this chapter and comparable laws of other states, and to receive evidence concerning all matters within its jurisdiction. In case of disobedience of a subpoena, the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence. The board, its members, and its agents shall be immune from personal liability for actions taken in good faith in the discharge of the board's responsibilities, and the state shall hold the board, its members, and its agents harmless from all costs, damages, and attorneys' fees arising from claims and suits against them with respect to matters to which such immunity applies.

VIII. The board shall adopt rules, pursuant to RSA 541-A, governing its administration, the enforcement of this chapter and the conduct of licensees. Such rules shall include, but not be limited to:

- (a) Rules governing the board's meetings and conduct of its business.
- (b) Rules of procedure governing the conduct of investigations and hearings by the board.
- (c) Rules specifying the educational and experience qualifications required for all licensees, and the continuing professional education required for renewal of certificates or registrations.
- (d) Rules of professional conduct directed to controlling the quality and integrity of the practice of public accountancy by licensees, including, but not limited to, matters relating to independence, integrity, objectivity, competence, technical standards, responsibilities to the public, and responsibilities to clients.
- (e) Rules on substantial equivalency for implementation of RSA 309-B:6.
- (f) Rules governing the manner and circumstances of use of the titles "certified public accountant", "CPA," "public accountant" and "PA."
- (g) Rules regarding peer review as required under this chapter. Such rules shall include conduct and cost parameters to ensure that charges for the off-site peer review process are not excessive.
- (h) The establishment of all fees required under this chapter.
- (i) Such other rules as the board may deem necessary or appropriate for implementing the provisions and purposes of this chapter.

IX. In accordance with RSA 541-A, the board shall publish notice of such proposed action and shall, in addition, notify all licensees.

**309-B:5 Qualifications for a Certificate as a Certified Public Accountant.**

I. The certificate of "certified public accountant" shall be granted to persons of good character who meet the education, experience, and examination requirements of this section, who make application therefor pursuant to RSA 309-B:7, and who pay the fees prescribed by the board.

II. Good character for purposes of this section means the lack of a history of dishonest or felonious acts.

III. The education requirements for a certificate shall be as follows:

(a) Until January 1, 2005, a baccalaureate degree or its equivalent conferred by a college or university acceptable to the board, with an accounting concentration or equivalent as determined by board rule to be appropriate.

(b) After January 1, 2005, at least 150 semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board

rule to be appropriate; provided however, that candidates for a certificate may sit for the examination described in paragraph IV if they have at least 120 semester hours of college education including a baccalaureate degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate.

IV. The examination required to be passed as a condition for the granting of a certificate shall be held as often as the board may specify by rule, and shall test the applicant's knowledge of the subjects of accounting and auditing and such other related subjects as the board may specify by rule. The time for holding such examination shall be determined by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and conducting the examination, including methods for grading papers and determining a passing grade required of an applicant for a certificate, provided, however, that the board shall, to the extent possible, see to it that the examination itself, the grading of the examination and the passing grades are uniform with those applicable in all other states. The board may make such use of all or any part of the Uniform Certified Public Accountant Examination and Advisory Grading Service of the American Institute of Certified Public Accountants, and may contract with third parties to perform such administrative services with respect to the examination as it deems appropriate to assist it in performing its duties under this section.

V. An applicant shall be required to pass all sections of the examination provided for in paragraph IV in order to qualify for a certificate. A passing grade for each section shall be 75. If, at a given sitting of the examination, an applicant passes 2 or more but not all sections, the applicant shall be given credit for those sections passed and need not sit for reexamination in those sections, provided that:

(a) At that sitting the applicant wrote all sections of the examination for which the applicant does not have credit;

(b) The applicant attained a minimum grade of 50 on each section not passed at that sitting;

(c) The applicant passes the remaining sections of the examination within 5 years of the examination at which the first sections were passed;

(d) At each subsequent sitting at which the applicant seeks to pass any additional sections, the applicant writes all sections for which the applicant does not have credit; and

(e) In order to receive credit for passing additional sections in any such subsequent sitting, the applicant attains a minimum grade of 50 on sections taken at that sitting.

VI. An applicant shall be given credit for any and all sections of an examination passed in another state if such credit would have been given, under applicable requirements at that time, had the applicant taken the examination in this state.

VII. The board may in particular cases waive or defer any of the requirements of paragraphs V and VI regarding the circumstances in which the various sections of the examination must be passed, upon a showing that, by reason of circumstances beyond the applicant's control, the applicant was unable to meet such requirement.

VIII. The board may charge, or provide for a third party administering the examination to charge, each applicant a fee in an amount prescribed by the board by rule, for each section of the examination or reexamination taken by the applicant.

IX. The experience requirement shall consist of public accounting experience in providing one or more kinds of services involving the use of accounting or auditing skills, including the issuance of reports on financial statements, or one or more kinds of management advisory, financial advisory, or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters, or the equivalent, all of which was under the direction of a licensee in any state in practice as a certified public accountant or as a public accountant, or in any state in employment as a staff accountant by a certified public accountant or anyone practicing public accounting, or a combination of either of such types of experience and for the following periods of time:

(a) Two years for a candidate with a 4-year college degree, or the equivalent; or

(b) One year for a candidate holding a master's degree in accounting, taxation, finance, or business administration.

X. Experience obtained in the employment of a governmental agency for the periods of time provided in paragraph IX in the following areas shall be accepted by the board as qualifying experience under this section:

(a) In auditing the tax returns or books and accounts of nongovernmental entities in 3 or more distinct lines of commercial or industrial business in accordance with generally accepted auditing standards under the direction of a licensee; or

(b) In auditing the books and accounts or activities of 3 or more governmental agencies or distinct organizational units in accordance with generally accepted auditing standards under the direction of a licensee and reporting on their operations to a third party, to the Congress, or to a state legislature; or

(c) In reviewing financial statements and supporting material covering the financial condition and operations of nongovernmental entities engaged in 3 or more distinct lines of commercial or industrial business under the direction of a licensee to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles and applicable government regulations for the protection of investors and consumers.

XI. The board shall by rule prescribe other kinds of experience that meet the experience requirement, provided that minimum requirements shall include at least one year of experience in providing any type of service or advice involving the use of accounting, attest, management advisory, financial advisory, tax or consulting skills, all of which shall be under the general direction of a licensee or other appropriately qualified professional acceptable to the board.

309-B:6 Substantial Equivalency.

I. The practice rights, reciprocity and discipline for certificate holders and licensees from states whose accountancy statutes are substantially equivalent to the requirements set out in this chapter shall be governed by the following provisions:

(a) An individual whose principal place of business is not in this state and who has a valid certificate or license as a certified public accountant from any United States jurisdiction which the board has verified to be in substantial equivalence with the certified public accountant licensure requirements of this state, shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all rights and privileges of certificate holders and licensees of this state without the need to obtain a certificate under RSA 309-B:7 or a permit under RSA 309-B:8. However, such individuals shall notify the board of their intent to enter the state under this provision and pay any required fee.

(b) An individual whose principal place of business is not in this state and who has a valid certificate or license as a certified public accountant from any United States jurisdiction which the board has not verified to be in substantial equivalence with the certified public accountant licensure requirements of this state, shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all rights and privileges of certificate holders and licensees of this state without the need to obtain a certificate under RSA 309-B:7 or a permit under RSA 309-B:8 if such individual obtains from the board verification that such individual's certified public accountant qualifications are substantially equivalent to the certified public accountant licensure requirements of this state. However, such individuals shall notify the board of their intent to enter the state under this provision and pay any required fee.

II. As an alternative to the requirements of RSA 309-B:7, III, a certificate holder licensed by another state, before establishing a principal place of business in this state, shall request the issuance of a certificate from the board prior to establishing such principal place of business. The board shall issue a certificate to such person who meets the standards and requirements set out in subparagraph I(b) of this section.

III. A licensee of another state who satisfies all of the requirements specified in subparagraphs I(a) or (b) of this section shall comply with all applicable provisions of this chapter.

IV. A licensee of this state offering or rendering services or using this state's certified public accountant designation in another state shall be subject to disciplinary action in this state for an act committed in another state for which the licensee would be subject to discipline in the other state. Notwithstanding RSA 309-B:11, I, the board shall be required to investigate any complaint made by the board of accountancy of another state.

V. Any licensee of another state exercising the privileges afforded under subparagraph I(a) or I(b) of this section hereby consents, as a condition of the grant of this privilege, to:

(a) The personal and subject matter jurisdiction of the board;

(b) Comply with this chapter and the rules of the board, including payment of any fees the board may assess such licensees;

(c) The appointment of the out-of-state board of accountancy which issued their license as their agent upon whom process may be served in any action or proceeding by this board against the licensee.

**309-B:7 Issuance and Renewal of Certificates; Maintenance of Competency.**

I. The board shall grant or renew certificates to persons who make application and demonstrate that their qualifications, including where applicable the qualifications prescribed by RSA 309-B:5, are in accordance with the requirements of this section, or that they are eligible for licensure under the substantial equivalency standards set out in RSA 309-B:6. The holder of a certificate issued under this section may provide attest services as defined in RSA 309-B:3, I(a) only in a CPA firm that holds a permit issued under RSA 309-B:8.

II. Certificates shall be initially issued, and renewed, for periods of not more than 3 years. Annual periods shall coincide with the state's fiscal year, beginning on July 1 and ending on the subsequent June 30. Applications for such certificates shall be made in such form, and in the case of applications for renewal, between such dates, as the board shall by rule specify. A certificate shall remain valid for the period of time that the board requires to act on the application for renewal, provided that the renewal was submitted in accordance with the rules adopted by the board. The board shall grant or deny any application no later than 90 days after the application is filed in proper form. In any case where the applicant seeks the opportunity to show that issuance or renewal of a certificate was mistakenly denied, or where the board is not able to determine whether it should be granted or denied, the board may issue to the applicant a provisional certificate, which shall expire 90 days after its issuance or when the board determines whether or not to issue or renew the certificate for which application was made, whichever shall first occur.

III. With regard to applicants that are not eligible for reciprocity under the substantial equivalency standard set out in RSA 309-B:6, I(b), the board shall issue a certificate to a holder of a certificate, license, or permit issued by another state upon a showing that:

(a) The applicant passed the examination required for issuance of the applicant's certificate with grades that would have been passing grades at the time in this state;

(b) The applicant had at least 4 years of experience outside of this state of the type described in RSA 309-B:5 or meets equivalent requirements prescribed by the board by rule, after passing the examination upon which the applicant's certificate was based and within the 10 years immediately preceding the application;

(c) If the applicant's certificate, license, or permit was issued more than one year prior to the application for issuance of an initial certificate under this section, that the applicant has fulfilled the requirements of continuing professional education that would have been applicable under paragraph IV of this section.

IV. The board may charge a fee to any licensee of another state exercising the privileges afforded under this section, in accordance with rules adopted by the board.

V. Persons requesting issuance of certificates under paragraph IV of this section shall in their request list all states in which they have applied for or hold certificates, or licenses, and list any past denial, revocation, or suspension of a certificate or license and shall notify the board, in writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a certificate or license by another state.

VI. An application under this section may be made through any qualification service that the board may approve by rule.

VII. For renewal of a certificate under this section each licensee shall participate in a program of learning designed to insure continuing professional competence. The requirements established by the board shall specify any reasonable approach to meeting this requirement, including but not limited to, the setting of hours, the setting of fees, and the conducting of random audits of reports submitted to the board. The approach to meeting this requirement specified by the board shall be comparable to guidelines specified in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by the National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA). The board may by rule create an exception to this requirement for licensees who do not perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including issuance of reports on financial statements or of one or more kinds of management advisory, financial advisory or consulting services, or the preparation of tax returns or the

furnishing of advice on tax matters. Licensees granted such an exception by the board shall place the word "inactive" adjacent to their CPA title or PA title on any business card, letterhead, or any other document or device, with the exception of their CPA certificate or PA registration, on which the CPA or PA title appears.

VIII. The board shall charge a fee for each application for initial issuance or renewal of a certificate under this section in an amount prescribed by the board by rule.

IX. Applicants for initial issuance or renewal of certificates under this section shall in their applications list all states in which they have applied for or hold certificates, licenses, or permits and list any past denial, revocation, or suspension of a certificate, license, or permit, and each holder of or applicant for a certificate under this section shall notify the board in writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a certificate, license, or permit by another state.

X. The board shall issue a certificate to a holder of a substantially equivalent foreign designation, granted in a foreign country, provided that:

(a) The foreign authority which granted the designation makes similar provision to allow a person who holds a valid certificate issued by this state to obtain such foreign authority's comparable designation; and

(b) The foreign designation:

(1) Was duly issued by a foreign authority that regulates the practice of public accountancy and the foreign designation has not expired or been revoked or suspended;

(2) Entitles the holder to issue reports upon financial statements; and

(3) Was issued upon the basis of educational, examination, and experience requirements established by the foreign authority or by law; and

(c) The applicant:

(1) Received the designation, based on educational and examination standards substantially equivalent to those in effect in this state, at the time the foreign designation was granted;

(2) Completed an experience requirement, substantially equivalent to the requirement set out in RSA 309-B:5, IX, in the jurisdiction which granted the foreign designation or has completed at least 4 years of professional experience in this state; or meets equivalent requirements prescribed by the board by rule, within the 10 years immediately preceding the application; and

(3) Passed a uniform qualifying examination in national standards acceptable to the board.

XI. An applicant under paragraph X shall in the application list all jurisdictions, foreign and domestic, in which the applicant has applied for or holds a designation to practice public accountancy, and each holder of a certificate issued under this paragraph shall notify the board in writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a designation or commencement of a disciplinary or enforcement action by any jurisdiction.

XII. The board has the sole authority to interpret the application of the provisions of paragraphs X and XI.

309-B:8 Firm Permits to Practice; Attest Experience and Peer Review.

I. The board shall grant or renew permits to practice as a CPA firm to entities that make application and demonstrate their qualifications therefor in accordance with the requirements of this section or to CPA firms originally licensed in another state that establish an office in this state. A firm shall hold a permit issued under this section in order to provide attest services or to use the designation "CPAs" or "CPA firm."

II. Permits shall be initially issued and renewed for periods of not more than 3 years. Annual periods shall coincide with the state's fiscal year, beginning on July 1 and ending on the subsequent June 30. Applications for such permits shall be made in such form and in the case of applications for renewal, between such dates, as the board shall by rule specify. A permit shall remain valid for the period of time that the board requires to act on the application for renewal, provided that the renewal was submitted in accordance with the rules adopted by the board. The board shall grant or deny any application no later than 90 days after the application is filed in proper form. In any case where the applicant seeks the opportunity to show that issuance or renewal of a permit was mistakenly denied or where the board is not able to determine whether it should be granted or denied, the board may issue to the applicant a provisional permit, which shall expire 90 days after its issuance or when the board determines whether or not to issue or renew the permit for which application was made, whichever shall first occur.

III. An applicant for initial issuance or renewal of a permit to practice under this section shall be required to show that:

(a) Notwithstanding any other provision of law, a 2/3 majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or managers, belongs to holders of a certificate who are licensed in some state of the United States and such partners, officers, shareholders, members, or managers, whose principal place of business is in this state, and who perform professional services in this state, hold a valid certificate issued under RSA 309-B:5 or the corresponding provisions of prior law or are public accountants licensed under RSA 309-B:9. Firms may include non-licensee owners but the firm and its ownership shall comply with rules adopted by the board. For firms of public accountants, at least a 2/3 majority of the ownership of the firm, in terms of financial interests and voting rights, shall belong to holders of registration under RSA 309-B:9.

(b) Any CPA or PA firm may include non-licensee owners provided that:

(1) The firm designates a licensee of this state, who is responsible for the proper registration of the firm and identifies that individual to the board.

(2) All non-licensee owners are active individual participants in the CPA or PA firm or affiliated entities.

(3) The firm complies with such other requirements as the board may impose by rule.

(c) Any individual licensee who is responsible for supervising attest services, and signs or authorizes someone to sign the accountant's report on the financial statements on behalf of the firm, shall meet the appropriate experience requirements for such services as required by professional standards for such services.

(d) Any individual licensee who signs or authorizes someone to sign the accountant's report on the financial statements on behalf of the firm shall meet the experience requirement of RSA 309-B:8, III(c).

IV. An applicant for initial issuance or renewal of a permit to practice under this section shall be required to register each office of the firm within this state with the board and show that all attest services rendered in this state are under the charge of a person holding a valid certificate issued under RSA 309-B:5 or the corresponding provision of prior law or some other state.

V. The board shall charge a fee for each application for initial issuance or renewal of a permit under this section in an amount prescribed by the board by rule.

VI. Applicants for initial issuance or renewal of permits under this section shall in their application list all states in which they have applied for or hold permits as CPA firms and list any past denial, revocation, or suspension of a license or permit by any other state, and each holder of or applicant for a permit under this section shall notify the board in writing, within 30 days after its occurrence, of any change in the identities of partners, officers, shareholders, members, or managers whose principal place of business is in this state, any change in the number or location of offices within the state, any change in the identity of the persons in charge of such offices, and any issuance, denial, revocation, or suspension of license or permit by any other state.

VII. Firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel, after receiving or renewing a license, shall take corrective action to bring the firm back into compliance as quickly as possible. The board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into compliance within a reasonable period as defined by the board will result in the suspension of the firm permit.

VIII. The board shall by rule require, on either a uniform or random basis, as a condition to renewal of permits under this section, that applicants undergo, no more frequently than once every 3 years, peer reviews conducted in such manner as the board shall specify, and such peer review shall include a verification by the reviewer that individuals in the firm who are responsible for attest services and who sign or authorize someone to sign the accountant's report on the financial statements on behalf of the firm meet the experience requirements set out in professional standards for such services, provided that such rule:

(a) Shall be adopted reasonably in advance of the time when it first becomes effective;

(b) Shall include reasonable provision for compliance by an applicant showing that it has, within the preceding 3 years, undergone a peer review that is a satisfactory equivalent to peer review generally required pursuant to this paragraph;



(c) Shall require, with respect to peer reviews contemplated by subparagraph (b), that they be subject to oversight by an oversight body established or sanctioned by board rule, which body shall periodically report to the board on the effectiveness of the review program under its charge, and provide to the board a listing of firms that have participated in a peer review program that is satisfactory to the board; and

(d) Shall require, with respect to peer reviews contemplated by subparagraph (b), that the peer review processes be operated and documents maintained in a manner designed to preserve confidentiality, and that neither the board nor any third party, other than the peer review oversight body, shall have access to documents furnished or generated in the course of such peer review. This subparagraph shall not be construed to limit the board's subpoena power under RSA 309-B:11, I; nor shall it be construed to prevent the board from obtaining from the applicant, its peer review report, the related letter of comment, and the related letter of response.

#### 309-B:9 Public Accountants and Firms of Public Accountants.

I. Persons who on January 1, 2,000 hold registrations as public accountants issued under prior law of this state shall be entitled to have their registrations renewed upon fulfillment of the continuing professional education requirements for renewal of certificates set out in RSA 309-B:7, and on the renewal cycle and payment of fees there prescribed for renewal of certificates. Any registration not so renewed shall expire January 1, 2003.

II. Firms of public accountants holding permits to practice as such issued under prior law of this state shall be entitled to have their permits to practice renewed pursuant to the procedures set out in RSA 309-B:8, subject to the requirements for renewal of permits to practice for firms of certified public accountants.

III. So long as such public accountants hold valid registrations and permits to practice, they shall be entitled to perform attest services to the same extent as holders of certificates and holders of permits. In addition, they shall be entitled to use the title "public accountant" and "PA," but no other title under this chapter. The holder of a registration issued under this section may perform attest services only in a firm that holds a permit under RSA 309-B:8.

#### 309-B:10 Enforcement Against Holders of Certificates, Permits, and Registrations.

I. After notice and hearing pursuant to RSA 309-B:12, the board may revoke any certificate, permit, or registration issued under RSA 309-B:7, 309-B:8 or 309-B:9 or corresponding provisions of prior laws; suspend any such certificate, permit, or registration; or refuse to renew any such certificate, permit, or registration for a period of not more than 5 years. The board may reprimand, censure, or limit the scope of practice of any licensee; impose an administrative fine not exceeding \$1,000; or place any licensee on probation, all with or without terms, conditions, and limitations, for any one or more of the following reasons:

(a) Fraud or deceit in obtaining a certificate, permit, or registration.

(b) Cancellation, revocation, suspension, or refusal to renew a license or practice rights by any other state, including possessions of the United States, for any cause involving disciplinary reasons.

(c) Failure, on the part of a holder of a certificate under RSA 309-B:7 or permit under RSA 309-B:8 or registration under RSA 309-B:9, to maintain compliance with the requirements for issuance or renewal of such certificate, permit, or registration or to report changes to the board under RSA 309-B:7, VI and 309-B:8, VI.

(d) Revocation or suspension of the right to practice before any state, including possessions of the United States, or federal agency for disciplinary reasons.

(e) Dishonesty, fraud, or gross negligence in the performance of services as a licensee or in the filing or failure to file the licensee's own income or employment tax returns or the payment of the licensee's income or employment tax liability.

(f) Violation of any provision of this chapter or rule adopted by the board under this chapter or violation of professional standards.

(g) Violation of any rule of professional conduct adopted by the board under RSA 309-B:4, VIII(d).

(h) Conviction of a felony, or of any crime an element of which is dishonesty or fraud, under the laws of the United States, of this state, or of any other state, of any possessions of the United States, or of any other country if the acts involved would have constituted a crime under the laws of this state.

(i) Performance of any fraudulent act while holding a certificate, registration, or permit issued under this chapter or prior law.

(j) Any conduct reflecting adversely upon the licensee's fitness to perform services as a licensee.

(k) Making any false or misleading statement or verification, in support of an application for a certificate, registration, or permit filed by another.

II. In lieu of, or in addition to, any remedy specifically provided in paragraph I of this section, the board may require one or both of the following of a licensee:

(a) A peer review conducted in such fashion as the board shall specify.

(b) Satisfactory completion of such continuing professional education programs as the board may specify.

III. In any proceeding in which a remedy provided by paragraph I or II of this section is imposed, the board may also require the respondent licensee to pay the costs of the proceeding.

#### 309-B:11 Enforcement Procedures; Investigations.

I. The board may, upon receipt of a complaint or other information suggesting violations of this chapter or of the rules of the board, conduct investigations to determine whether there is probable cause to institute proceedings under RSA 309-B:12, 309-B:15 or 309-B:16 against any person or firm for such violation, but an investigation under this section shall not be a prerequisite to such proceedings in the event that a determination of probable cause can be made without investigation. In aid of such investigations, the board, through its chairperson, shall have the power to compel the testimony of witnesses and the production of documents or other evidence by the issuance of subpoenas. The board and the defendant may take the depositions of witnesses residing within or without the state pertaining to any matter being investigated.

II. The board may designate a member, or any other person of appropriate competence, to serve as investigating officer to conduct an investigation. Upon completion of the investigation, the investigating officer shall file a report with the board. The board shall find probable cause or lack of probable cause based upon the report or shall return the report to the investigating officer for further investigation. Unless there has been a determination of probable cause, the report of the investigating officer, the complaint, if any, the testimony and documents submitted in support of the complaint or gathered in the investigation, and the fact of pendency of the investigation shall be treated as confidential information and shall not be disclosed to any person except law enforcement authorities, and, to the extent deemed necessary in order to conduct the investigation, the subject of the investigation, persons whose complaints are being investigated, and witnesses questioned in the course of the investigation.

III. Upon a finding of probable cause, if the subject of the investigation is a licensee, the board shall direct that a complaint be issued under RSA 309-B:12, and if the subject of the investigation is not a licensee, the board shall take appropriate action under RSA 309-B:15 or 309-B:16. Upon a finding of no probable cause, the board shall close the matter and shall thereafter release information relating to the investigation only with the consent of the person or firm under investigation.

IV. The board may review the publicly available professional work of licensees on a general and random basis, without any requirement of a formal complaint or suspicion of impropriety on the part of any particular licensee. If, as a result of such review, the board discovers reasonable grounds for a more specific investigation, the board may proceed under paragraphs I through III of this section.

#### 309-B:12 Enforcement Procedures; Hearings by the Board.

I. In any case where probable cause with respect to a violation by a licensee has been determined by the board, whether following an investigation under RSA 309-B:11, or upon receipt of a written complaint furnishing grounds for a determination of such probable cause, or upon receipt of notice of a decision by the board of accountancy or similar agency of another state, possession of the United States or country furnishing such grounds, the board shall issue a complaint setting forth appropriate charges and set a date for a disciplinary hearing before the board on such charges. The board shall, not less than 30 days prior to the date of such hearing, serve a copy of the complaint and notice of the time and place of the hearing upon the licensee, together with a copy of the board's rules governing proceedings under this section, either by personal delivery or by mailing a copy by certified mail, return receipt requested, to the licensee at the licensee's address last known to the board.

II. A licensee against whom a complaint has been issued under this section shall have the right, reasonably in advance of the hearing, to examine and copy the report of investigation, if any, and any documentary or testimonial evidence and summaries of anticipated evidence in the board's possession relating to the subject matter of the complaint. The board's rules governing proceedings under this section shall specify the time and manner in which such right may be exercised.

III. In a hearing under this section the respondent licensee may appear in person or, in the case of a firm, through a duly authorized partner, officer, director, or shareholder member or manager, or by counsel. The respondent or counsel may examine witnesses and evidence presented in support of the complaint, and may present evidence and witnesses on the licensee's behalf. The licensee shall have the right, on application to the board, to the issuance of subpoenas to compel the attendance of witnesses and the production of documentary evidence.

IV. The evidence supporting the complaint shall be presented by the investigating officer, by a board member designated for that purpose, or by counsel. A board member who presents the evidence, or who has conducted the investigation of the matter under RSA 309-B:11, shall not participate in the board's decision of the matter.

V. In a hearing under this section, the board shall be advised by counsel, and such individual shall not be the same counsel who presents or assists in presenting the evidence supporting the complaint under paragraph IV of this section.

VI. In a hearing under this section, the board shall not be bound by the technical rules of evidence.

VII. In a hearing under this section, a stenographic or electronic record shall be made and filed with the board. A transcript need not be prepared unless review is sought under paragraph X of this section or the board determines that there is other good cause for its preparation. The respondent may request a copy of such record and shall bear the cost of making such copy.

VIII. In a hearing under this section, a recorded vote of a majority of all members of the board, excluding members disqualified by reason of paragraph IV or other reasons under this section, shall be required to sustain any charge and to impose any penalty with respect to such hearing.

IX. If, after service of a complaint and notice of hearing as provided in paragraph I of this section, the respondent licensee fails to appear at the hearing, the board may proceed to hear evidence against the licensee and may enter such order as it deems warranted by the evidence. The order shall be final unless the licensee petitions for review under paragraph X of this section, provided, however, that within 30 days from the date of any such order, upon a showing of good cause for the licensee's failure to appear and defend, the board may set aside the order and schedule a new hearing on the complaint to be conducted in accordance with applicable paragraphs of this section.

X. Any person or firm adversely affected by any order of the board entered after a hearing under this section may appeal such order by filing a written petition with the superior court in the county in which the respondent resides or, if not a resident of this state, in the county in which the respondent has a place of business or resident agent. The petition shall be filed within 30 days after the entry of the order. The respondent shall exhaust all applicable administrative procedures before periodical review may commence. The procedures for review and the scope of the review shall be as specified in RSA 541-A, the New Hampshire Administrative Procedure Act.

XI. In any case where the board renders a decision imposing discipline against a licensee under RSA 309-B:10 or RSA 309-B:12, the board shall examine its records to determine whether the licensee holds a certificate, license, or a permit in any other state, possession of the United States, or country. If that is the case, the board shall notify the board of accountancy or other similar regulatory agency of such other state, possession of the United States, or country of its decision, by mail, within 45 days of rendering the decision or within 45 days of a final decision of an appeal by a court reviewing the board's decision, whichever is later. The board may also furnish information relating to proceedings resulting in disciplinary action to other public authorities and to professional organizations having a disciplinary interest in the licensee. Where a petition for review has been filed pursuant to RSA 309-B:12, X, the notification and furnishing of information provided for in this paragraph shall await the resolution of such review and, if resolution is in favor of the licensee, no such notification or furnishing of information shall be made.

#### 309-B:13 Reinstatement.

I. In any case where the board has suspended or revoked a certificate, permit, or registration or refused to renew a certificate, permit, or registration, the board may, upon application in writing by the individual or firm affected and for good cause shown, modify the suspension or reissue the certificate, permit, or registration.

II. The board shall by rule specify the manner in which such applications shall be made, the times within which they shall be made, and the circumstances under which hearings will be held.

III. Before reissuing or terminating the suspension of a certificate, permit, or registration under this section, and as a condition to such action, the board may require the applicant to show successful completion of specified continuing professional education. The board may make the reinstatement of a certificate, permit, or registration conditional and subject to satisfactory completion of a peer review conducted in such fashion as the board shall specify.

309-B:14 Unlawful Acts.

I. Only licensees may issue a report on financial statements of any other person, firm, organization, or governmental unit or otherwise offer to render or render any attest service. This restriction shall not prohibit any act of a public official or public employee in the performance of that person's duties as such; or prohibit the performance by any person from the use of accounting skills, or analyzing and preparing projections of financial data in the performance of management advisory services, financial advisory services, consulting services, the preparation of tax returns, or the furnishing of advice on tax matters. This restriction also does not apply to non-licensees who may prepare financial statements and issue reports thereon which do not purport to be in compliance with the Statements on Standards for Accounting and Review Services (SSARS).

II. Licensees performing attest services shall provide those services pursuant to statements on standards relating to those services adopted by reference or directly by the board.

III. No person not holding a valid certificate shall use or assume the title or designation "certified public accountant," or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a certified public accountant.

IV. No firm shall provide attest services or assume or use the title or designation "certified public accountants," or the abbreviation "CPAs," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm is a CPA firm unless (1) the firm holds a valid permit issued under RSA 309-B:8, and (2) ownership of the firm is in accord with this chapter and rules adopted by the board.

V. No person shall assume or use the title or designation "public accountant," or the abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a public accountant unless such person holds a valid registration issued under RSA 309-B:9.

VI. No person or firm not holding a valid certificate, permit, or registration issued under RSA 309-B:7, 309-B:8 or 309-B:9 shall provide attest services or assume or use the title or designation "public accountant," the abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm is composed of public accountants.

VII. No person or firm not holding a valid certificate, permit, or registration issued under RSA 309-B:7, 309-B:8 or 309-B:9 shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," "accredited accountant," or any other title or designation likely to be confused with the titles "certified public accountant" or "public accountant," or use any of the abbreviations "CA," "LA," "RA," "AA," or similar abbreviation likely to be confused with the abbreviations "CPA" or "PA." The title "Enrolled Agent" or "EA" may only be used by individuals so designated by the Internal Revenue Service.

VIII. Persons not licensed under this chapter shall not use language in any statement relating to the financial affairs of a person or entity which is conventionally used by licensees in reports on financial statements. In this regard, the board shall issue safe harbor language non-licensees may use in connection with such financial information. Such disclaimer language shall include the following:

"I (we) have prepared the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. This presentation is limited to preparing in the form of financial statements information that is the representation of management (owners).

I (we) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any form of assurance on them."

IX. No person or firm not holding a valid certificate, permit, or registration issued under RSA 309-B:7, 309-B:8 or 309-B:9 shall assume or use any title or designation that includes the words "accountant," "auditor," or "accounting," in connection with any other language, including the language of a report, that implies that such person or firm holds such a certificate, permit, or registration or has special competence as an accountant or auditor. This paragraph shall not prohibit any

officer, partner, or employee of any firm or organization from affixing a signature to any statement in reference to the financial affairs of such firm or organization with any wording designating the position, title, or office that person holds, nor shall it prohibit any act of a public official or employee in the performance of that person's duties. Nothing in this chapter shall prohibit non-licensurees who perform services involving the use of accounting skills from describing such services as "bookkeeping", "tax preparation" or "general accounting" services or describing themselves as "accountants".

X. No persons holding a certificate or registration or firm holding a permit under this chapter shall use a professional or firm name or designation that is misleading about the legal form of the firm, or about the persons or number of persons who are partners, officers, members, managers, or shareholders of the firm, or about any other matter; provided, however, that names of one or more of the former partners, members, managers or shareholders may be included in the name of a firm or its successor.

XI. No provision of this section shall have any application to a person holding a certification, designation, degree, license, or permit granted in a foreign country entitling the holder to engage in the practice of public accountancy or its equivalent in such country, whose activities in this state are limited to the provision of professional services to persons or firms who are residents of, governments of, or business entities of the country in which the person holds such entitlement, who performs no attest services as defined, and who issues no reports with respect to the financial statements of any other persons, firms, or governmental units in this state, and who does not use in this state any title or designation other than the one under which that person practices in such country, followed by a translation of such title or designation into English, if it is in a different language, and by the name of such country.

XII. No holder of a certificate issued under RSA 309-B:7 or a registration issued under RSA 309-B:9 shall perform attest services in any firm that does not hold a valid permit issued under RSA 309-B:8.

XIII.(a) A licensee shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the licensee also performs for that client an attest service as defined in RSA 309-B:3, I or a compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence.

(b) A licensee who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.

(c) Any licensee who accepts a referral fee for recommending or referring any service of a licensee to any person or entity or who pays a referral fee to obtain a client shall disclose such acceptance or payment to the client.

XIV.(a) A licensee shall not:

(1) Perform for a contingent fee any professional services for, or receive such a fee from a client for whom the licensee or the licensee's firm performs an attest service as defined in RSA 309-B:3, I or a compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

(2) Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client; provided however that a licensee may prepare an amended return or claim for refund for a contingent fee if that licensee has a reasonable expectation that the amended return or claim for refund will be the subject of substantive review by the taxing authority.

(b) The prohibition in subparagraph (a) applies during the period in which the licensee is engaged to perform any of the services listed in subparagraph (a) and the period covered by any historical financial statements involved in any such listed services.

(c) Except as otherwise provided in this subparagraph, a contingent fee is a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service. Solely for purposes of this section, fees are not

regarded as being contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. A licensee's fees may vary depending, for example, on the complexity of services rendered.

XV. Nothing within this section shall prohibit a practicing attorney or firm of attorneys from preparing or presenting records or documents customarily prepared by an attorney or firm of attorneys in connection with the attorney's professional work in the practice of law, or from billing a client or receiving a fee from a client in conformity with the professional conduct rules that govern the practice of law by such attorney or firm of attorneys.

309-B:15 Injunctions Against Unlawful Acts. Whenever, as a result of an investigation under RSA 309-B:11 or RSA 309-B:12, the board believes that any person or firm has engaged, or is about to engage, in any acts or practices which constitute or will constitute a violation of RSA 309-B:14, the board may make application to the appropriate court for an order enjoining such acts or practices. Upon a showing by the board that such person or firm has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or other order as may be appropriate may be granted by such court.

309-B:16 Criminal Penalties.

I. Whenever, by reason of an investigation under RSA 309-B:11 or otherwise, the board has reason to believe that any person or firm has knowingly engaged in acts or practices which constitute a violation of RSA 309-B:14, the board may bring its information to the attention of the department of justice of this state which may, in its discretion, cause appropriate criminal proceedings to be brought.

II. Any person who knowingly violates any provision of RSA 309-B:14 shall be guilty of a class A misdemeanor.

309-B:17 Single Act as Evidence of Practice. In any action brought under RSA 309-B:12, RSA 309-B:15 or RSA 309-B:16, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify the imposition of a penalty, injunction, restraining order, or conviction, respectively, without evidence of a general course of conduct.

309-B:18 Confidential Communications. Except by permission of the client for whom a licensee performs services, or the heirs, successors, or personal representatives of such client, a licensee or any partner, officer, member, manager, shareholder, or employee of a licensee shall not voluntarily disclose information communicated to such person by the client relating to and in connection with services rendered to the client by the licensee. Such information shall be deemed confidential, provided, however, that nothing in this chapter shall be construed as prohibiting the disclosure of information required to be disclosed by the standards of the public accounting profession in reporting on the examination of financial statements or as prohibiting disclosures in court proceedings or administrative proceedings before governmental agencies in instances where a subpoena or summons has been issued, in investigations or proceedings under RSA 309-B:11 or RSA 309-B:12, in ethical investigations conducted by private professional organizations, or in the course of peer reviews, or to other persons active in the organization performing services for that client on a need to know basis or to persons in such professional organization, peer review entity, or organization performing services for that client who need this information for the sole purpose of assuring quality control.

309-B:19 Licensees' Working Papers and Clients' Records.

I. Subject to the provisions of RSA 309-B:18, all statements, records, schedules, working papers, and memoranda made by a licensee or a partner, shareholder, officer, director, member, manager, or employee of a licensee, incident to, or in the course of, rendering services to a client except for the records that are part of the client's records, shall be and remain the property of the licensee in the absence of an express agreement between the licensee and the client to the contrary. No such statement, record, schedule, working paper, or memorandum shall be sold, transferred, or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partner, member or stockholder or new partner, new member or new stockholder of the licensee, or any combined or merged firm or successor in interest to the licensee. Nothing in this section shall be construed as prohibiting any temporary transfer of work papers or other material necessary in the course of carrying out peer reviews or as otherwise interfering with the disclosure of information pursuant to RSA 309-B:18.

II. A licensee shall furnish to the client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account. The licensee may make and retain copies of such documents of the client when they form the basis for work done by the licensee.

(c) A copy of computer prepared client data diskettes containing client ledger data, spread sheet data, client documents and any other such data of the client or former client that would ordinarily constitute part of the client's records and not otherwise be available to the client.

III. Nothing in this section shall require a licensee to keep any work paper beyond the period prescribed in any other applicable statute.

309-B:20 Appointment of Secretary of State as Agent. Application by a person or a firm not a resident of this State for a certificate under RSA 309-B:7 or a license to practice under RSA 309-B:8 shall constitute appointment of the secretary of state as the applicant's agent upon whom process may be served in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to services performed by the applicant while a licensee within this state.

309-B:21 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 691-FN**, relative to persons receiving split benefit accidental disability retirement benefit allowances. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would have changed some of the requirements for vested deferred benefits in the retirement system. The changes are necessary but can be postponed for another year. After consultation with the retirement system, it was felt appropriate to make this bill inexpedient to legislate and address all similar questions of language changes in a future bill. Vote 15-0.

**HB 616-FN-A**, relative to providing funds to certified driver education courses from the driver training fund. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Finance: As received from the policy committee, this bill would reimburse students at private driving schools at the same rate that public schools are reimbursed for their drivers' ed students. Review of the financial aspects of the bill brought out that the Department of Safety is unsure of how many students are currently eligible for public driver education or of how many annually take private courses; that reimbursement is being made for some out-of-state residents; that passing the course is not required for reimbursement; and that reimbursement funds are used for widely different purposes, including support of athletic programs. The amendment therefore changes the bill to create a study committee to examine all of these issues. Vote 23-0.

#### Amendment (1165hh)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a house study committee to consider issues related to the driver training fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study issues related to the driver training fund established pursuant to RSA 263:52.

2 Membership and Compensation.

I. The membership of the committee shall consist of 3 members of the house transportation committee and 2 members of the house finance committee, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study issues related to the driver training fund established pursuant to RSA 263:52, including but not limited to:

I. Revenue generated for the fund from the issuance of original licenses and vanity plates.

II. Recipients of reimbursement from the fund.

III. Utilization of reimbursement funds.

IV. Methods of reimbursement.

V. Requirements for reimbursement.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the house clerk, the governor, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a study committee to consider issues related the driver training fund, established pursuant to RSA 263:52.

**HB 698-FN-L**, restricting fees for registration permits for certain vehicles. **OUGHT TO PASS**  
Rep. Vivian R. Clark for Finance: This bill is intended to create some consistency in the fees charged for registration of construction equipment. Neither the Department of Safety nor the Municipal Association could predict how the change would affect revenues, but both agreed that the amount of the change would be small and neither had any objection to it. Vote 22-0.

**HB 551**, relative to employers who are subject to state law against discrimination. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tony F. Soltani for Judiciary: This bill, as amended, expands the application of the New Hampshire Anti-Discrimination Law and codifies certain exemptions. The bill will treat all entities in the private sector equally regardless of their for-profit or not-for-profit status. State and local governments will remain subject to the prohibitions of the statute. This act will also codify exemptions for religious organizations, where the entity seeks to advance its philosophical or theological objectives. Additionally, an exemption is made for circumstances where a bona fide employment qualification may create a preference. The exemptions adopted are, for the most part, adaptations of parts of the Federal Title VII exemption, as well as, the New York State Law exemptions for religious institutions. These laws have been subject to repeated scrutiny by the courts and the committee sought to avoid the reinvention of the wheel. The law will only impact employment relationships where the employer has six (6) or more employees. It does not affect membership in social clubs, public accommodations, housing or other activities. Vote 13-1.

### Amendment (1156h)

Amend the title of the bill by replacing it with the following:

AN ACT revising the definition of "employer" under the employment discrimination laws of the state.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission for Human Rights; Definitions. Amend RSA 354-A:2, VII to read as follows:

VII. "Employer" does not include ~~[a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, if such club, association or corporation is not organized for private profit, nor does it include]~~ any employer with fewer than 6 persons in its employ, but shall include the state and all political subdivisions, boards, departments and commissions thereof.

(a) Nothing in this section shall prevent an employer from hiring and employing employees on the basis of religion, sex, national origin, family or marital status, sexual orientation, color, creed or disability in those instances where religion, sex, national origin, family or marital status, sexual orientation, color, creed or absence of disability is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

*(b) Nothing in this section shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment or giving preference to persons of the same religion or denomination in taking such actions as are calculated by the religious organization to promote the religious principles for which it is established or maintained.*

4 Effective Date. This act shall take effect January 1 2000.



## AMENDED ANALYSIS

This bill revises the definition of "employer" under the employment discrimination laws of the state.

**HB 728-FN**, relative to per diem reimbursement to legislators for expenses on days of legislative committee meetings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter H. Burling for Legislative Administration: The committee felt it is time for a serious and thorough review of the compensation and reimbursement of legislators. This study will be done by June 30, 2000, and will offer the possibility of meaningful change for the next century. Vote 13-0.

**Amendment (1203h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a commission to study the compensation of members of the legislature and the reimbursement for expenses.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study the compensation of members of the legislature and the reimbursement for expenses.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

(c) Three nonvoting members appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study the compensation and reimbursement for expenses of members of the New Hampshire house of representatives and the New Hampshire senate.

4 Chairperson; Quorum. The speaker of the house shall appoint a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before June 30, 2000.

6 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a commission to study the compensation of the members of the legislature and the reimbursement for expenses.

**SB 81**, permitting the city of Manchester to issue bonds to finance unfunded liability of the city's employee pension system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Municipal and County Government: This bill allows Manchester flexibility in funding one of its pension plans. The Committee was reassured that a great deal of preparation and research was done in preparation of the bill's filing. The amendment "sunsets" the bill after five years. Vote 15-0.

**Amendment (1169h)**

Amend the bill by replacing all after section 1 with the following:

2 Definition. In this act, the "old" pension system means the city of Manchester pre-1974 non-contributory pension system.

3 Issuance of Bonds or Notes. The city of Manchester is hereby authorized to issue bonds or notes from time to time up to an aggregate principal amount not exceeding \$30,000,000 for the purpose of funding the unfunded pension liability of the pay-as-you-go "old" pension system of the city of Manchester. Bonds or notes issued pursuant to the authority hereof shall be issued for terms not in excess of 30 years from their date of issue and, except as otherwise provided herein, shall be subject to the applicable provisions of RSA 33, the municipal finance act. The aggregate amount of bonds or notes which may be issued by the city of Manchester hereunder, shall not exceed the amount which the "old" pension system of the city of Manchester, with the approval of the

mayor and city finance officer, shall determine to be the unfunded actuarial liability of the "old" pension system of the city of Manchester. Such determination of the "old" pension system of the city of Manchester shall be based upon the report of a nationally recognized independent consultant actuary, which may be the consulting actuary generally retained by the city of Manchester. Such report shall also set forth the present value savings to the city of Manchester reasonably expected to be achieved as a result of the issuance of such bonds and shall be filed with the board of mayor and aldermen of the city of Manchester prior to the final passage of any bond resolution of the city of Manchester authorizing the issuance of bonds or notes hereunder.

4 Maturity Schedules. Notwithstanding the provisions of any general or special law to the contrary, the maturities of bonds or notes issued pursuant to the authority of this act shall either be arranged so that for each issue the annual combined payments of principal and interest shall be as nearly equal as practicable in the opinion of the officer of the city authorized to issue said bonds or notes or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal.

5 Investment of Proceeds. Proceeds of any bonds or notes issued pursuant to the authority of this act, shall be paid by the city of Manchester to the trustees of trust funds of the city of Manchester, shall be allocated solely to reduce the funding obligations of the city of Manchester thereto, and shall be held, invested, and expended by the trustee of trust funds of the city of Manchester in accordance with law.

6 Authority to Issue Bonds or Notes. The authority of the city of Manchester to issue bonds or notes provided in section 3 of this act shall terminate on July 1, 2004. The termination of the authority to issue bonds or notes shall not effect the validity of any bonds or notes issued prior to July 1, 2004.

7 Effective Date. This act shall take effect upon its passage.

**HB 263**, repealing the Northern New England Low-Level Radioactive Waste Management Compact. **OUGHT TO PASS**

Rep. Ralph J. Rosen for Science, Technology and Energy: This compact was formed on paper a number of years ago. It has never existed as an organization, no meetings were ever held, and no record of any correspondence exists. Maine and Vermont withdrew from the compact and entered into agreements with Texas for handling low-level waste. New Hampshire has turned to South Carolina. The current House and Senate appointees to the compact committee are the sponsors of this bill. Vote 16-0.

**HJR 8**, urging the Federal Energy Regulatory Commission to change the structure of the New England Individual Service Organization (ISO). **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary R. Gilmore for State-Federal Relations and Veterans Affairs: This resolution urges the Federal Energy Regulatory Commission (FERC) to appoint a more diverse, representative, and local Board to govern the New England Independent System Operator (ISO), the agency responsible for operating New England's electric transmission grid. The current ISO Board is largely comprised of individuals from outside the New England region while some other regional ISOs are comprised in a similar manner as advocated in the resolution. Of additional concern is the lack of competitive power supply being built in New England and the ISO's failure in facilitating such energy policy. Vote 15-0.

#### **Amendment (1176h)**

Amend the title of the resolution by replacing it with the following:

**A RESOLUTION** urging the Federal Energy Regulatory Commission to change the structure of the New England Independent System Operator (ISO).

Amend the resolution by replacing all after the resolving clause with the following:

That the general court of the state of New Hampshire urges the Federal Energy Regulatory Commission to appoint a diverse body to govern the New England Independent System Operator (ISO), with membership from the following groups, selected by the membership of said groups:

- I. Four representatives from investor-owned utilities.
- II. Two representatives from municipally or cooperatively owned utilities.
- III. One representative of industrial consumers.
- IV. One representative of commercial consumers.
- V. One representative of residential consumers.
- VI. One representative from an environmental public interest group.
- VII. One representative from a public utility commission.

VIII. One representative from a non-utility organization which markets energy products; and

IX. One representative of a consumer advocate's office.

That membership shall be apportioned to provide representation from throughout the New England states; and

That a copy of this resolution, signed by the president of the senate and the speaker of the house, be forwarded by the house clerk to the Commissioner of the Federal Energy Regulatory Commission, and the congressional delegations, house and senate leaders and governors of all the New England States.

#### AMENDED ANALYSIS

This house joint resolution urges the Federal Energy Regulatory Commission to change the structure of the New England Independent System Operator (ISO) to create a more appropriate and representative body to address the utility issues before it.

**HB 680-FN-A**, establishing a veterans' programs number plate trust fund and a special veterans' programs license plate, to support state veterans' programs. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert J. Letourneau for Transportation: An amendment was offered by the sponsor to establish a \$25 fee for these special license plates and an advisory commission to design the plates. The committee has many members who are veterans and support veterans issues. They commend the sponsors for their effort, however, they are opposed to the use of special license plates to do so. The Department of Safety felt that the start up cost associated with the development and implementation of a new special plate issuance would be about \$25,000 for 900 sets of special plates, not including the cost of a data base and programmers or commission. There were also recent reports from our neighbor to the south that has implemented 7 such special plates and have not sold well. This state has not even recovered the start up or inventories cost. The committee also recognizes that the conservation license plate has not been issued yet, and this needs to be considered. Finally, the committee heard testimony from the commissioner of safety that the legal purpose for license plates is for law enforcement to recognize proper registration. The department would like to discourage legislation of special license plates for recognition and safety concerns within the law enforcement community. Vote 18-0.

#### REGULAR CALENDAR - PART I (CONT'D.)

**HB 241**, relative to party nominations in multi-seat districts. **INEXPEDIENT TO LEGISLATE**  
Rep. Janet S. Arndt for Election Law: This bill would permit candidates for state office in multi-seat districts to receive the nomination of more than one political party. Under current law, only candidates for multi-seat districts are prohibited from accepting the nomination of more than one party. On March 25, this House passed HB 381, by a vote of 243-102, making this prohibition uniform for all candidates. This bill would reverse that action. The majority of the committee continues to endorse the goal of HB 381, which is to assure "truth in labeling" by having candidates run as members of their own party only. The purpose of the primary election is to allow party members to select the best candidate for the general election. It is less confusing to list candidates on the general election ballot with only one party affiliation——this allows voters to understand more clearly the actual party affiliation of the candidate for whom they are voting. Vote 11-2.

Rep. Vaillancourt requested a quorum count. The Speaker declared a quorum present.

Rep. Jacobson spoke against.

Rep. Vaughn spoke against and yielded to questions.

Reps. Buckley and Lozeau spoke in favor and yielded to questions.

Rep. Arndt requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 230 NAYS 97**

**YEAS 230**

**BELKNAP**

Bartlett, Gordon  
Millham, Alida  
Turner, Robert

Boyce, Robert  
Pilliod, James  
Wendelboe, Francine

Czech, Stanley  
Rosen, Ralph  
Wood, Jane

Holbrook, Robert  
Salatiello, Thomas

**CARROLL**

Babson, David, Jr  
Patten, Betsey

Chandler, Gene  
Torresen, Gary

Kenney, Joseph

Mock, Henry

**CHESHIRE**

Batchelder, Robert  
Hunt, John  
Meader, David  
Rose, William

Burnham, Daniel  
Lerandeau, Alfred  
Pratt, Irene  
Royce, H Charles

DePecol, Benjamin  
Lynch, Margaret  
Riley, William  
Smith, Edwin

Doucette, Richard  
Lynott, Margaret  
Roberts, William

**COOS**

Davis, Perley  
Merrill, Gerald

Guay, Lawrence  
Rodrigue, Robert

Landers, Dana  
Tholl, John, Jr

Mears, Edgar  
Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hall, David  
Marshall, Gene

Almy, Susan  
Eaton, Stephanie  
Harmon, Hobart  
Picconi, Al

Cobb, John  
Gilman, G Michael  
Johnson, Gary  
Weber, Phil

Copenhaver, Marion  
Guest, Robert  
LaMott, Paul

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Bergin, Peter  
Burkush, James  
Clegg, Robert, Jr  
Coughlin, Pamela  
Dalianis, Griffin  
Durham, Susan  
Ford, Nancy  
Gagnon, Paul  
Goulet, Maurice  
Jean, Claudette  
Konys, Christine  
Lessard, Rudy  
McCarthy, William  
Mendenhall, Leslie  
Murphy, Robert  
Reeves, Sandra  
Wall, Nancy

Alukonis, David  
Baroody, Benjamin  
Brundige, Robert  
Calawa, Leon, Jr  
Clemons, Jane  
Craig, James  
Desrosiers, William  
Fields, Dennis  
Foster, Linda  
Garrish, Linda  
Hansen, Herbert  
Jean, Loren  
Kurk, Neal  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
Nolan-Piteri, Dawn  
Sargent, Maxwell  
White, John

Andrews, Frederick  
Batula, Peter  
Bruno, Pierre  
Chabot, Robert  
Cote, David  
Curran, James  
Dokmo, Cynthia  
Fletcher, Richard  
Franks, Suzan  
Ginsburg, Ruth  
Herman, Keith  
Johnson, Lionel  
LaPorte, George  
Lynde, Harold  
McDonald, James, Sr  
Milligan, Robert  
O'Hearn, Jane  
Thulander, O Alan  
Withee, Dennis

Arnold, Thomas, Jr  
Beaupre, Roland  
Buckley, Raymond  
Christiansen, Lars  
Cote, Peter  
Daigle, Robert  
Drabinowicz, A  
Flora, Kathleen  
Gagnon, Eugene  
Goley, Jeffrey  
Holley, Sylvia  
Keye, Harvey  
Lasky, Bette  
MacGillivray, Jeffrey  
McGough, Tim  
Moriarty, Mary  
Pappas, Marc  
Turgeon, Roland

**MERRIMACK**

Anderson, Eric  
Davis, Francis  
Leber, William  
Moore, Carol  
Rodd, Beth  
Whalley, Michael

Asplund, Bronwyn  
Fortnam, Janet  
Lockwood, Priscilla  
Nichols, Avis  
Soltani, Tony  
Yeaton, Charles

Chase, George  
Hess, David  
Marshall, Kenneth  
Potter, Frances  
Virtue, Carolyn

Daneault, Gabriel  
Larrabee, David, Sr  
Maxfield, Roy  
Poulin, Dave  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Blanchard, MaryAnn  
Corbin, C David  
Downing, Michael  
Gleason, John

Arndt, Janet  
Bridle, Russell  
Cote, Patricia  
Fesh, Robert  
Griffin, Mary

Belanger, Ronald  
Case, Margaret  
Cox, Russell  
Francoeur, Sheila  
Hamel, Albert

Bishop, Franklin  
Clark, Martha  
Dalrymple, Janeen  
Gibbons, Paul  
Henderson, Warren

Johnson, Robert  
Kelley, Jane  
Morse, Charles  
Noyes, Richard  
Quandt, Marshall  
Ruffner, Walter  
Shelton, Richard  
Tufts, J Arthur

Kane, Cecelia  
Kobel, Rudolph  
Norelli, Terie  
O'Neil, Michael  
Rabideau, Marie  
Sabella, Norma  
Shultis, Elizabeth  
Weare, Everett

Katsakiores, George  
Letourneau, Robert  
Nowe, Mary Lou  
Pitts, Jacqueline  
Raynowska, Bernard  
Sapareto, Frank  
Stickney, Nancy  
Zolla, William

Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed, II  
Reardon, Neil  
Schanda, Frank  
Stone, Joseph

### STRAFFORD

Berube, Roger  
Domingo, Baldwin  
Johnson, Nancy  
Rollo, Michael  
Torr, Franklin

Brown, George  
Estabrook, Iris  
Knowles, William  
Smith, Marjorie  
Vincent, Francis

Callaghan, Frank  
Gilmore, Gary  
Lundborn, Raymond  
Spang, Judith  
Wall, Janet

Cossette, Larry  
Heon, Richard  
Musler, George  
Spear, Barbara  
Woods, Phyllis

### SULLIVAN

Allison, David  
Robb-Theroux, Amy

Burling, Peter  
Wiggins, Celestine

Cloutier, John  
Young, David

Flint, Gordon, Sr

### NAYS 97

### BELKNAP

None

### CARROLL

Bradley, Jeb  
Sullivan, P Judith

Dickinson, Howard

Lyman, L Randy

Philbrick, Donald

### CHESHIRE

Avery, Stephen  
Pratt, John  
Zerba, Roger

Manning, Joseph  
Richardson, Barbara

McGuirk, Paul  
Robertson, Timothy

Mitchell, McKim  
Russell, Ronald

### COOS

Pratt, Leighton

### GRAFTON

Alger, John  
MacNeil, Allen  
Ward, Brien

Brothers, Richard  
Phinney, William

Densmore, Jessica  
Scanlan, David

Hinman, Harry  
Solow, Martha

### HILLSBOROUGH

Carlson, Donald  
Fenton, James  
Lefebvre, Roland  
McDonough-Wallace, Alice  
Moran, Edward  
Peterson, Andrew  
White, Donald

Daniels, Gary  
Hall, Betty  
Leonard, Peter  
McRae, Karen  
O'Connell, Timothy  
Reidy, Frank

Dwyer, Paul, Sr  
Herman, Richard  
Martel, Andre  
Melcher, Harold  
Pepino, Leo  
Sarette, John

Emerton, Lawrence  
LaRose, Richard  
Martin, Mary  
Messier, Irene  
Perkins, Paul  
Vaillancourt, Steve

### MERRIMACK

Bouchard, Candace  
Langer, Ray  
Reardon, Tara  
Whittemore, James

Brewster, Richard  
Lavoie, Gerard  
Seldin, Gloria

Jacobson, Alf  
Marple, Richard  
St Cyr, Gerard

Kennedy, Richard  
Owen, Derek  
Wallin, Jean

**ROCKINGHAM**

Beaulieu, Jon	Clark, Vivian	DiFruscia, Anthony	Flanagan, Natalie
Flanders, David	Flanders, John, Sr	Langley, Jane	Langone, John
Lovejoy, Marian	Major, Norman	Mikowski, Walter	Packard, Sherman
Pantelakos, Laura	Priestley, Anne	Rubin, George	Splaine, James
Stritch, C Donald	Varrell, Thomas	Vaughn, Charles	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Brennan, William	Brown, Julie	Dunlap, Patricia
Kaen, Naida	Keans, Sandra	Lent, Donald	McKinley, Robert
Pelletier, Arthur	Snyder, Clair	Taylor, Kathleen	Twardus, Joseph

**SULLIVAN**

Jones, Constance	Leone, Richard
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and the report was adopted.

**HB 97, establishing a right to farm act. OUGHT TO PASS WITH AMENDMENT**

Rep. Harold P. Melcher for Environment and Agriculture: In the conflict between agricultural interests and local zoning control, this bill strikes an acceptable compromise supported by the municipal association. The amendment, which replaces the original bill, provides protections for agricultural activities by creating a presumption that unless explicitly addressed through zoning, such activities are deemed permitted if conducted in accordance with best management practices adopted by the commissioner of agriculture, markets and food and all applicable laws and regulations. Vote 15-0.

**Amendment (0590h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the right to farm.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to clarify the requirements of RSA 672:1, III-b, that farming and agriculture, as defined in RSA 21:34-a, shall not be unreasonably limited by the use of municipal planning and zoning powers.

2 Purposes of Zoning Ordinances. Amend RSA 674:17, I(g) and (h) to read as follows:

(g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care; [~~and~~]

(h) To assure proper use of natural resources and other public requirements[-]; *and*

*(i) To preserve agricultural land and buildings for agricultural use.*

3 New Subdivision; Agricultural Uses of Land. Amend RSA 674 by inserting after section 32 the following new subdivision:

Agricultural Uses of Land

674:32-a Presumption. In accordance with RSA 672:1, III-d, whenever agricultural activities are not explicitly addressed with respect to any zoning district or location, they shall be deemed to be permitted there, as either a primary or accessory use, so long as conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and with federal and state laws, regulations, and rules.

674:32-b Existing Agricultural Uses. Any agricultural use which exists pursuant to RSA 674:32-a, or which was legally established prior to the enactment of restrictive regulations:

I. May be re-established after any period of disuse.

II. May without restriction be expanded, altered to meet changing technology or markets, or changed to another agricultural use, as set forth in RSA 21:34-a, so long as any such expansion, alteration, or change complies with all federal and state laws, regulations, and rules, including best management practices adopted by the commissioner of agriculture, markets, and food; subject, however, to the following limitations:

(a) Any new establishment, re-establishment after disuse, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception, building permit, or other local land use board approval.

(b) Any new establishment, re-establishment after disuse, or significant expansion of a farm stand, retail operation, or other use involving on-site transactions with the public, may be made subject to applicable special exception, building permit, or other local land use board approval and may be regulated to the extent necessary to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety.

674:32-c Other General Provisions.

I. The tilling of soil and the growing and harvesting of crops and horticultural commodities, as a primary or accessory use, shall not be prohibited in any district.

II. Nothing in this subdivision shall exempt new, re-established, or expanded agricultural operations from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use, the board of adjustment, building code board of appeals, or other applicable local board, after due notice and hearing, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use, unless such waiver would have a demonstrated adverse effect on public health or safety, or the value of adjacent property. Such waiver shall continue only as long as utilized for the permitted agricultural use.

III. Nothing in this subdivision shall apply to any aspect of an agricultural operation determined to be injurious to public health or safety under RSA 147. Nothing in this subdivision shall be deemed to modify or limit the duties and authority of the department of environmental services under RSA 485 or RSA 485-A or the commissioner of the department of agriculture, markets, and food under title XL.

IV. Nothing in this subdivision shall be deemed to affect the regulation of sludge or septage.  
4 Effective Date. This act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill provides protections for agricultural activities by creating a presumption that unless explicitly addressed through zoning, such activities are deemed permitted if conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and all applicable laws and regulations.

Adopted.

Report adopted and ordered to third reading.

**CACR 21**, relating to gender neutral language in the constitution. Providing that all references to persons in part 2 of the constitution shall be gender neutral. **OUGHT TO PASS WITH AMENDMENT** Rep. William R. Zolla for Executive Departments and Administration: The committee by a vote of 15-0, felt that with the advance of women's rights since the inception of the Constitution in 1784, the time has come to formally recognize these changes throughout the New Hampshire Constitution by incorporating the gender neutral language. This bill with the amendment encompasses the entire document and not just part II as originally proposed and passed by both the house and senate last session. In that the gender neutral language will be incorporated as existing documentation is revised, reprinted or updated, no additional costs are anticipated. Vote 15-0.

### Amendment (0830h)

Amend the title of the bill by replacing it with the following:

**RELATING TO:** gender neutral language in the constitution.

**PROVIDING THAT:** all references to persons in the constitution shall be gender neutral.

Amend the bill by replacing all after the resolving clause with the following:

I. That article 1 of the first part of the constitution be amended to read as follows:

[Art.] 1. [Equality of **[Men] People**; Origin and Object of Government.] All **[men] people** are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good.

II. That article 2 of the first part of the constitution be amended to read as follows:

[Art.] 2. [Natural Rights.] All **[men] people** have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protect-

ing, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.

III. That article 3 of the first part of the constitution be amended to read as follows:

[Art.] 3. [Society, its Organization and Purposes.] When **[men] people** enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and, without such an equivalent, the surrender is void.

IV. That article 5 of the first part of the constitution be amended to read as follows:

[Art.] 5. [Religious Freedom Recognized.] Every individual has a natural and unalienable right to worship God according to the dictates of **[his] one's** own conscience, and reason; and no subject shall be hurt, molested, or restrained, in **[his]** person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of **[his] an individual's** own conscience; or for **[his] one's** religious profession, sentiments, or persuasion; provided **[he] such individual [doth]** **shall** not disturb the public peace or disturb others in their religious worship.

V. That article 6 of the first part of the constitution be amended to read as follows:

[Art.] 6. [Morality and Piety.] As morality and piety, rightly grounded on high principles, will give the best and greatest security to government, and will lay, in the hearts of **[men] all people**, the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society, therefore, the several parishes, bodies, corporate, or religious societies shall at all times have the right of electing their own teachers, and of contracting with them for their support or maintenance, or both. But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination. And every person, denomination or sect shall be equally under the protection of the law; and no subordination of any one sect, denomination or persuasion to another shall ever be established.

VI. That article 10 of the first part of the constitution be amended to read as follows:

[Art.] 10. [Right of Revolution.] Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one **[man] individual**, family, or class **[of men]**; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

VII. That article 11 of the first part of the constitution be amended to read as follows:

[Art.] 11. [Elections and Elective Franchises.] All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where **[he has his domicile] one is domiciled**. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it by conviction of such offenses. The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the non-payment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office.

VIII. That article 12 of the first part of the constitution be amended to read as follows:

[Art.] 12. [Protection and Taxation Reciprocal.] Every member of the community has a right to be protected by it, in the enjoyment of **[his]** life, liberty, and property; **[he is] everyone is** therefore bound to contribute **[his] one's** share in the expense of such protection, and to yield **[his]** personal service when necessary. But no part of **[a man's] an individual's** property shall be taken **[from him]**,



or applied to public uses, without [**his**] *one's* own consent, or that of the representative body of the people. Nor are the inhabitants of this state controllable by any other laws than those to which they, or their representative body, have given their consent.

IX. That article 14 of the first part of the constitution be amended to read as follows:

[Art.] 14. [Legal Remedies to be Free, Complete, and Prompt.] Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries [**he**] *an individual* may receive [**in his**] *to* person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

X. That article 15 of the first part of the constitution be amended to read as follows:

[Art.] 15. [Right of Accused.] No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially and formally, described to him *or her*; or be compelled to accuse or furnish evidence against [**himself**] *oneself*. Every subject shall have a right to produce all proofs that may be favorable to [**himself**] *oneself*; to meet the witnesses against [**him**] *oneself* face to face, and to be fully heard in [**his**] *one's own* defense, [**by himself**] *personally*, and *by* counsel. No subject shall be arrested, imprisoned, despoiled, or deprived of [**his**] property, immunities, or privileges, put out of the protection of the law, exiled or deprived of [**his**] life, liberty, or estate, but by the judgment of [**his**] *one's* peers, or the law of the land; provided that, in any proceeding to commit a person acquitted of a criminal charge by reason of insanity, due process shall require that clear and convincing evidence that the person is potentially dangerous to himself *or herself*, or to others, and that the person suffers from a mental disorder must be established. Every person held to answer in any crime or offense punishable by deprivation of liberty shall have the right to counsel at the expense of the state if need is shown; this right [**he**] *an individual* is at liberty to waive, but only after the matter has been thoroughly explained by the court.

XI. That article 19 of the first part of the constitution be amended to read as follows:

[Art.] 19. [Searches and Seizures Regulated.] Every subject hath a right to be secure from all unreasonable searches and seizures of [**his**] *one's* person, [**his**] houses, [**his**] papers, and all [**his**] possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued; but in cases and with the formalities, prescribed by law.

XII. That article 35 of the first part of the constitution be amended to read as follows:

[Art.] 35. [The Judiciary; Tenure of Office, etc.] It is essential to the preservation of the rights of every individual, [**his**] *such person's* life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the constitution of the state; and that they should have honorable salaries, ascertained and established by standing laws.

XIII. That article 7 of the second part of the constitution be amended to read as follows:

[Art.] 7. [Members of Legislature Not to Take Fees or Act as Counsel.] No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his *or her* seat in the legislature.

XIV. That article 14 of the second part of the constitution be amended to read as follows:

[Art.] 14. [Representatives, How Elected, Qualifications of.] Every member of the house of representatives shall be chosen by ballot; and, for two years, at least, next preceding [**his**] *the representative's* election shall have been an inhabitant of this state; shall be, at the time of [**his**] election, an inhabitant of the town, ward, place, or district [**he**] *the representative* may be chosen to represent and shall cease to represent such town, ward, place, or district immediately on [**his**] ceasing to be qualified as aforesaid.

XV. That article 21 of the second part of the constitution be amended to read as follows:

[Art.] 21. [Privileges of Members of Legislature.] No member of the house of representatives, or senate shall be arrested, or held to bail, on mesne process, during [**his**] *the legislator's* going to, returning from, or attendance upon, the court.

XVI. That article 22 of the second part of the constitution be amended to read as follows:

[Art.] 22. [House to Elect Speaker and Officers, Settle Rules of Proceedings, and Punish Misconduct.] The house of representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own house; and shall be judge of the returns, elections, and qualifications, of its members, as pointed out in this constitution. They shall have authority to punish, by imprisonment, every person who shall be guilty of disrespect to the house, in its presence, by any disorderly and contemptuous behavior, or by threatening, or illtreating, any of its members; or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during ~~[his]~~ *the member's* attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house; in assaulting any witness, or other person, ordered to attend, by and during ~~[his]~~ *the individual's* attendance of the house; or in rescuing any person arrested by order of the house, knowing them to be such.

XVII. That article 24 of the second part of the constitution be amended to read as follows:

[Art.] 24. [Journals and Laws to be Published; Yeas and Nays, and Protests.] The journals of the proceedings, and all public acts of both houses, of the legislature, shall be printed and published immediately after every adjournment or prorogation; and upon motion made by any one member, duly seconded, the yeas and nays, upon any question, shall be entered, on the journal: And any member of the senate, or house of representatives, shall have a right, on motion made at the time for that purpose to have ~~[his]~~ *the member's* protest, or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journal.

XVIII. That article 29 of the second part of the constitution be amended to read as follows:

[Art.] 29. [Qualifications of Senators.] Provided nevertheless, that no person shall be capable of being elected a senator, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding ~~[his]~~ election, and at the time thereof ~~[he]~~ *the individual* shall be an inhabitant of the district for which he *or she* shall be chosen. Should such person, after election, cease to be an inhabitant of the district for which ~~[he]~~ *the senator* was chosen, ~~[he]~~ *such person* shall be disqualified to hold said position and a vacancy shall be declared therein.

XIX. That article 30 of the second part of the constitution be amended to read as follows:

[Art.] 30. [Inhabitant Defined.] And every person, qualified as the constitution provides, shall be considered an inhabitant for the purpose of being elected into any office or place within this state, in the town, or ward, where ~~[he]~~ *one* is domiciled.

XX. That article 32 of the second part of the constitution be amended to read as follows:

[Art.] 32 [Biennial Meetings, How Warned, Governed, and Conducted; Return of Votes, etc.] The meetings for the choice of governor, council and senators, shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and wards present, and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen, and of the town or city clerk, in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person; and the town or city clerk shall make a fair record of the same at large, in the town book, and shall make out a fair attested copy thereof, to be ~~[by him]~~ sealed up *by the town or city clerk* and directed to the secretary of state, within five days following the election, with a superscription expressing the purport thereof.

XXI. That article 33 of the second part of the constitution be amended to read as follows:

[Art.] 33. [Secretary of State to Count Votes for Senators and Notify Persons Elected.] And that there may be a due meeting of senators and representatives on the first Wednesday of December, biennially, the secretary of state shall, as soon as may be, examine the returned copy of such records; and fourteen days before the first Wednesday of December, ~~[he]~~ *the secretary of state* shall issue ~~[his]~~ *a* summons to such persons as appear to be chosen senators and representatives, by a plurality of votes, to attend and take their seats on that day.

XXII. That article 38 of the second part of the constitution be amended to read as follows:

[Art.] 38. [Senate to Try Impeachments; Mode of Proceeding.] The senate shall be a court, with full power and authority to hear, try, and determine, all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, malpractice or malad-

ministration, in office; with full power to issue summons, or compulsory process, for convening witnesses before them: But previous to the trial of any such impeachment, the members of the senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer, impeached for bribery, corruption, malpractice or maladministration in office, shall be served with an attested copy of the impeachment, and order of the senate thereon with such citation as the senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the senate may proceed in the hearing of the impeachment, giving the person impeached, if [he] *such person* shall appear, full liberty of producing witnesses and proofs, and of making [his] *a* defense, *personally* and *by* counsel, and may also, upon [his] *such individual* refusing or neglecting to appear hear the proofs in support of the impeachment, and render judgment thereon, [his] *such person's* nonappearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

XXIII. That article 41 of the second part of the constitution be amended to read as follows:

[Art.] 41. [Governor; Supreme Executive Magistrate.] There shall be a supreme executive magistrate, who shall be styled the Governor of the State of New Hampshire, and whose title shall be His *or Her* Excellency. The executive power of the state is vested in the governor. The governor shall be responsible for the faithful execution of the laws. [He] *The governor* may, by appropriate court action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right, by any officer, department or agency of the state. This authority shall not be construed to authorize any action or proceedings against the legislative or judicial branches.

XXIV. That article 42 of the second part of the constitution be amended to read as follows:

[Art.] 42. [Election of Governor, Return of Votes; Electors; If No Choice, Legislature to Elect One of Two Highest Candidates; Qualifications for Governor.] The governor shall be chosen biennially in the month of November; and the votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives, on the first Wednesday following the first Tuesday of January to be by them examined, and in case of an election by a plurality of votes through the state, the choice shall be by them declared and published. And the qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot elect one of the two persons, having the highest number of votes, who shall be declared governor. And no person shall be eligible to this office, unless at the time of [his] election, [he] *the person* shall have been an inhabitant of this state for 7 years next preceding, and unless [he] *the person* shall be of the age of 30 years.

XXV. That article 43 of the second part of the constitution be amended to read as follows:

[Art.] 43. [In Cases of Disagreement Governor to Adjourn or Prorogue Legislature; If Causes Exist, May Convene Them Elsewhere.] In cases of disagreement between the two houses, with regard to the time or place of adjournment or prorogation, the governor, with advice of council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days at any one time, as [he] *the governor* may determine the public good may require, and [he] *the governor* shall dissolve the same on the first Wednesday of December biennially. And, in cases whereby dangers may arise to the health or lives of the members from their attendance at the general court at any place, the governor may direct the session to be holden at some other the most convenient place within the state.

XXVI. That article 44 of the second part of the constitution be amended to read as follows:

[Art.] 44. [Veto to Bills.] Every bill which shall have passed both houses of the general court, shall, before it becomes a law, be presented to the governor, if [he ~~approve~~] *approved*, [he] *the governor* shall sign it, but if not, [he] *the governor* shall return it, with [his] objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of persons, voting for or against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sundays excepted) after

it shall have been presented to **[him] the governor**, the same shall be a law in like manner as if **[he] the governor** had signed it unless the legislature, by their adjournment, prevent its return, in which case it shall not be a law.

XXVII. That article 45 of the second part of the constitution be amended to read as follows:

[Art.] 45. [Resolves to Be Treated Like Bills.] Every resolve shall be presented to the governor, and before the same shall take effect, shall be approved by **[him] the governor**, or being disapproved by **[him] the governor**, shall be repassed by the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

XVIII. That article 49 of the second part of the constitution be amended to read as follows:

[Art.] 49. [President of Senate, etc., To Act as Governor When Office Vacant; Speaker of House to Act When Office of President of Senate Is Also Vacant.] In the event of the death, resignation, removal from office, failure to qualify, physical or mental incapacity, absence from the state, or other incapacity of the governor, the president of the senate, for the time being, shall act as governor until the vacancy is filled or the incapacity is removed; and if the president of the senate, for any of the above-named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives, for the time being, or in the case of the like incapacity of the speaker, upon the secretary of state, or in case of **[his] like incapacity of the secretary of state**, upon the state treasurer, each of whom, in that order, shall act as governor, as hereinabove provided, until the vacancy is filled or the incapacity removed. Whenever a vacancy for the duration or remainder of the governor's term of office occurs before the commencement of the last year of such term, a special election for governor shall take place to fill the vacancy, as provided by law. Whenever the speaker of the house acts as governor, **[he] the speaker of the house** shall act as such only until such time as the vacancy is filled or the incapacity removed in either the office of governor or of president of the senate, whichever occurs first. Whenever either the secretary of state or the treasurer acts as governor, **[he] such person** shall act as such only until such time as the vacancy is filled or the incapacity removed in the offices of governor, of president of the senate or of speaker of the house, whichever occurs first. While acting as governor under this article, the president of the senate, speaker of the house, secretary of state or state treasurer, as the case may be, shall be styled Acting Governor, shall not be required to take an additional oath of office, shall have and exercise all the powers, duties and authorities of, and receive compensation equal to that of the office of governor; and the capacity of each such officer to serve as president of the senate as well as senator, speaker of the house of representatives as well as representative, secretary of state, or state treasurer, as the case may be, or to receive the compensation of such office, shall be suspended only. While the governor or an acting governor is absent from the state on official business, **[he] such person** shall have the power and authority to transact such business.

XXIX. That article 49-a of the second part of the constitution be amended to read as follows:

[Art.] 49-a. [Prolonged Failure to Qualify; Vacancy in Office of Governor Due to Physical or Mental Incapacity, etc.] Whenever the governor transmits to the secretary of state and president of the senate **[his] a** written declaration that **[he] the governor** is unable to discharge the powers and duties of **[his] such** office by reason of physical or mental incapacity and until **[he] the governor** transmits to them a written declaration to the contrary, the president of the senate, for the time being, shall act as governor as provided in article 49, subject to the succession provisions therein set forth. Whenever it reasonably appears to the attorney general and a majority of the council that the governor is unable to discharge the powers and duties of **[his] such** office by reason of physical or mental incapacity, but the governor is unwilling or unable to transmit **[his] a** written declaration to such effect as above provided, the attorney general shall file a petition for declaratory judgment in the supreme court requesting a judicial determination of the ability of the governor to discharge the powers and duties of **[his] such** office. After notice and hearing, the justices of the supreme court shall render such judgment as they find warranted by a preponderance of the evidence; and, if the court holds that the governor is unable to discharge the powers and duties of **[his] such** office, the president of the senate, for the time being, shall act as governor as provided in article 49, subject to the succession provisions therein set forth, until such time as the disability of the governor is removed or a newly elected governor is inaugurated. Such disability, once determined by the supreme court, may be removed upon petition for declaratory judgment to the supreme court by the governor if the court finds, after notice and hearing, by a

preponderance of the evidence that the governor is able to discharge the powers and duties of [his] *such* office. Whenever such disability of the governor, as determined by [his] *a* written declaration or by judgment of the supreme court, has continued for a period of 6 months, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. Whenever the governor-elect fails to qualify by reason of physical or mental incapacity or any cause other than death or resignation, for a period of 6 months following the inauguration date established by this constitution, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. The provisions of article 49 shall govern the filling of such vacancy, either by special election or continued service of an acting governor. If the general court is not in session when any such 6-month period expires, the acting governor, upon written request of at least 1/4 of the members of each house, shall convene the general court in special session for the sole purpose of considering and acting on the question whether to declare a vacancy in the office of governor under this article.

XXX. That article 51 of the second part of the constitution be amended to read as follows:

[Art.] 51. [Powers and Duties of Governor as Commander-in-Chief.] The governor of this state for the time being, shall be commander-in-chief of all the military forces of the state; and shall have full power, [by himself] *personally* or [by] *through* any chief commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia; to call forth the militia and to put in warlike posture the inhabitants of the state; to execute the laws of the state and of the United States; to suppress insurrection and to repel invasion; and, in fine, the governor is hereby entrusted with all other powers incident to the office of commander-in-chief to be exercised agreeably to the rules and regulations of the constitution and the laws of the land.

XXXI. That article 62 of the second part of the constitution be amended to read as follows:

[Art.] 62. [Subsequent Vacancies; Governor to Convene; Duties.] If any person thus chosen a councilor, shall be elected governor or member of either branch of the legislature, and shall accept the trust; or if any person elected a councilor, shall refuse to accept the office, or in case of the death, resignation, or removal of any councilor out of the state, the governor may issue a precept for the election of a new councilor in that county where such vacancy shall happen and the choice shall be in the same manner as before directed. And the governor shall have full power and authority to convene the council, from time to time, at [his] *the governor's* discretion; and, with them, or the majority of them, may and shall, from time to time hold a council, for ordering and directing the affairs of the state, according to the laws of the land.

XXXII. That article 64 of the second part of the constitution be amended to read as follows:

[Art.] 64. [Secretary to Record Proceedings of Council.] The resolution and advice of the council shall be recorded by the secretary, in a register, and signed by all members present agreeing thereto; and this record may be called for at any time, by either house of the legislature; and any member of the council may enter [his] *an* opinion contrary to the resolutions of the majority, with the reasons for such opinion.

XXXIII. That article 68 of the second part of the constitution be amended to read as follows:

[Art.] 68. [State Records, Where Kept; Duty of Secretary.] The records of the state shall be kept in the office of the secretary, and [he] *the secretary of state* shall attend the governor and council, the senate and representatives, in person, or by deputy, as they may require.

XXXIV. That article 69 of the second part of the constitution be amended to read as follows:

[Art.] 69. [Deputy Secretary.] The secretary of the state shall, at all times, have a deputy, to be [by him] *appointed by the secretary of state*; for whose conduct in office [he] *the secretary of state* shall be responsible: And, in case of the death, removal, or inability of the secretary, [his] *the* deputy shall exercise all the duties of the office of secretary of this state, until another shall be appointed.

XXXV. That article 70 of the second part of the constitution be amended to read as follows:

[Art.] 70. [Secretary to Give Bond.] The secretary, before [he enters] *entering* upon the business of [his] *such* office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the state, for the punctual performance of [his] *the secretary's* trust.

XXXVI. That article 73 of the second part of the constitution be amended to read as follows:

[Art.] 73. [Tenure of Office To Be Expressed in Commissions; Judges to Hold Office During Good Behavior, etc.; Removal.] The tenure that all commissioned officers shall have by law in their offices shall be expressed in their respective commissions, and all judicial officers duly appointed, commissioned and sworn, shall hold their offices during good behavior except those for whom a

different provision is made in this constitution. The governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is a sufficient ground for impeachment, and provided further that no officer shall be so removed unless ~~he~~ **the officer** shall have had an opportunity to be heard in ~~his~~ **the officer's** defense by a joint committee of both houses of the legislature.

XXVII. That article 73-a of the second part of the constitution be amended to read as follows:

[Art.] 73-a. [Supreme Court, Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. ~~He~~ **The chief justice** shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law.

XXVIII. That article 75 of the second part of the constitution be amended to read as follows:

[Art.] 75. [Justices of Peace Commissioned for Five Years.] In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail in discharging the important duties of ~~his~~ office with ability and fidelity, all commissions of justice of the peace shall become void at the expiration of five years from their respective dates, and upon the expiration of any commission, the same may if necessary be renewed or another person appointed as shall most conduce to the well being of the state.

XXXIX. That article 78 of the second part of the constitution be amended to read as follows:

[Art.] 78. [Judges and Sheriffs, When Disqualified by Age.] No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after ~~he~~ **one** has attained the age of seventy years.

XL. That article 79 of the second part of the constitution be amended to read as follows:

[Art.] 79. [Judges and Justices Not to Act as Counsel.] No judge of any court, or justice of the peace, shall act as attorney, or be of counsel, to any party, or originate any civil suit, in matters which shall come or be brought before ~~him~~ **such person** as judge, or justice of the peace.

XLI. That article 81 of the second part of the constitution be amended to read as follows:

[Art.] 81. [Judges and Registers of Probate Not to Act as Counsel.] No judge, or register of probate, shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any court of probate in the county of which ~~he~~ **such person** is judge or register.

XLII. That article 82 of the second part of the constitution be amended to read as follows:

[Art.] 82. [Clerks of Courts, by Whom Appointed.] The judges of the courts (those of probate excepted) shall appoint their respective clerks to hold their office during pleasure: And no such clerk shall act as an attorney or be of counsel in any cause in the court of which ~~he~~ **the person** is clerk, nor shall ~~he~~ **such clerk** draw any writ originating a civil action.

XLIII. That article 84 of the second part of the constitution be amended to read as follows:

[Art.] 84. [Oath of Civil Officers.] Any person chosen governor, councilor, senator, or representative, military or civil officer, (town officers excepted) accepting the trust, shall, before ~~he~~ **such person** proceeds to execute the duties of ~~his~~ office, make and subscribe the following declaration, viz. -

I, A.B. do solemnly swear, that I will bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof. So help me God.

I, A.B. do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all duties incumbent on me as ...., according to the best of my abilities, agreeably to the rules and regulations of this constitution and laws of the state of New Hampshire. So help me God.

Any person having taken and subscribed the oath of allegiance, and the same being filed in the secretary's office, ~~he~~ shall not be obliged to take said oath again.

Provided always, when any person chosen or appointed as aforesaid shall be of the denomination called Quakers, or shall be scrupulous of swearing, and shall decline taking the said oaths, such person shall take and subscribe them, omitting the word "swear," and likewise the words "So help me God," subjoining instead thereof, "This I do under the pains and penalties of perjury."

XLIV. That article 95 of the second part of the constitution be amended to read as follows:

[Art.] 95. [Incompatibility of Certain Offices.] No person holding the office of judge of any court, (except special judges) secretary, treasurer of the state, attorney general, register of deeds, sheriff, collectors of state and federal taxes, members of Congress or any person holding any office under

the United States, including any person in active military service, shall at the same time hold the office of governor, or have a seat in the senate, or house of representatives, or council; but ~~[his]~~ **such person** being chosen and appointed to, and accepting the same, shall operate as a resignation of ~~[his]~~ **such person's** seat in the chair, senate, or house of representatives, or council; and the place so vacated shall be filled up. No member of the council shall have a seat in the senate or house of representatives.

XLV. That the subdivision heading preceding article 84 of the constitution be amended as follows:

OATHS AND SUBSCRIPTIONS – EXCLUSION FROM OFFICES – COMMISSIONS – WRITS – CONFIRMATION OF LAWS – HABEAS CORPUS – THE ENACTING STYLE – CONTINUANCE OF OFFICERS – PROVISION FOR FUTURE REVISION OF THE CONSTITUTION – **GENDER NEUTRAL LANGUAGE - ETC.**

XLVI. That the second part of the constitution be amended by inserting after article 101 the following new article:

[Art.] 102. Gender Neutral Language Required. All references to specific persons in the constitution shall be gender neutral.

XLVII. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2000.

XLVIII. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2000 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1999 session of the general court shall be approved.

XLIX. That the wording of the question put to the qualified voters shall be:  
Are you in favor of amending the Constitution to make it more inclusive by changing specific references to people to gender neutral terms recognizing that this will in no way alter the meaning or effect of the constitution?

L. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1999 General Court" shall be printed in bold type at the top of the ballot.

LI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

### AMENDED ANALYSIS

This constitutional amendment-concurrent resolution removes all gender-specific language from the constitution and provides that all references to persons in the constitution shall be gender neutral. Adopted.

Rep. Zolla yielded to questions.

On a division vote, 224 members having voted in the affirmative and 109 in the negative, the report failed lacking the constitutionally required three-fifths.

Rep. Keith Herman moved Inexpedient to Legislate.

### LAID ON THE TABLE

Rep. Burling moved that **CACR 21**, relative to gender neutral language in the constitution. Providing that all references to persons in the constitution shall be gender neutral, be laid on the table. On a division vote, 191 members having voted in the affirmative and 142 in the negative, the motion was adopted.

### REGULAR CALENDAR – PART I (CONT'D.)

**HB 499-FN**, relative to payment by the state of the cost of medical insurance benefits for certain New Hampshire retirement system members. RE-REFER TO COMMITTEE

Rep. Ray F. Langer for Executive Departments and Administration: When the bill was first introduced to the committee, it appeared as a duplicate of RSA 100:51 with the exception that it moved the responsibility of paying for a medical plan from an agreement between the trustees of the retirement system and the employer to one between the trustees and the retired member. The bill was voted ITL. Later the committee was provided an amendment that changed the responsibility for

payment to the retirement system. This was done even though the retirement system stated, through its executive director, that NHRS does not have the staff to assume more health administrative responsibility. The committee voted to reconsider its previous vote of ITL and then voted to Re-Refer the bill for further study. Vote 13-2.

Adopted.

**HB 88-FN**, relative to purchasing credit for prior service for certain employees in the New Hampshire retirement system. **OUGHT TO PASS**

Rep. Steve Vaillancourt for Finance: This bill allows employees to purchase credit for prior service with an employer joining the retirement system within 5 years from the date of the employer's participation. Current law limits both the employer and the employee to one year from the date of participation. The NH Retirement System indicates this bill will have no fiscal impact on state, county and local revenue or expenditures. Thus, the Finance Committee supports the decision of the policy committee, Executive Departments and Administration, and the previous vote by the House. Vote 19-4.

Adopted and ordered to third reading.

**HB 89-FN-A**, making an appropriation for a department of transportation study of the state house complex to evaluate space needs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: Both the Public Works and Finance committees see the need for this study to begin soon. The amendment delineates the six buildings (Capitol, L.O.B., Annex, State Library, Upham-Walker, and Justice/Bank) but allows consideration of adjacent areas. The amendment also changes funding from a new appropriation to \$50,000 of the remainder from a previous borrowing authority. Study will include space use and assignment, and also adequacy of current systems for electricity, air handling, etc., as well as traffic flow, parking, related issues. Vote 25-0.

#### **Amendment (1086h)**

Amend the bill by replacing section 1 with the following:

1 Study of State House Complex Space Needs. The general court recognizes that a thorough evaluation of the state house complex's current and future space needs must be conducted, including, but not limited to, an appraisal of the requirements of the state library, legislative office building, state house, state house annex, Upham Walker building, and department of justice building. Therefore, the general court hereby directs the department of transportation to retain the services of an architectural firm to conduct such a study.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$50,000 is hereby appropriated from the funds authorized by 1991, 355:115 and 1998, 226:1 to the department of transportation for the fiscal year ending June 30, 2000, for the purposes of section 2 of this act.

#### **AMENDED ANALYSIS**

This bill requires the department of transportation to hire an architectural consultant to conduct a study of the state house complex's space needs. This bill makes an appropriation to the department of transportation for the purposes of the study from funds authorized by 1991, 355:115 and 1998, 226:1.

Adopted.

Report adopted and ordered to third reading.

**HB 294-FN-L**, relative to state aid to municipalities for closure of certain municipal incinerators. **OUGHT TO PASS**

Rep. Jeffrey C. MacGillivray for Finance: This bill expands the state's 20% grant program for closure costs of municipal unlined solid waste landfills to also include closure costs of 18 municipal solid waste incinerators. Half of these 18 have already closed, and the rest are expected to close in the next few years. The cost per capita of incinerator closure is far less than the cost per capita of landfill closure, so the additional cost of providing parity in state grant funds will be far less than the total long-term cost of landfill closure grants. The long-term cost of this program is expected to be less than \$1,200,000 total over 20 years, with less than \$100,000 in each of fiscal years 2000 and 2001 – compared to current landfill closure grant expenditures of just under \$3,000,000 per year. Vote 23-1.

Adopted and ordered to third reading.



**HB 311-FN-A**, relative to grants made under the New Hampshire incentive program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: The bill permits part-time students to be eligible for grants made under the New Hampshire incentive grant program: PAU 06-01-01, line 99. This bill increases state general fund expenditures by \$750,000 in FY 2000 and FY 2001. The committee removed the \$1.5 million from the bill, supporting the notion that an increase in this grant program be addressed during the review of the budget. Vote 21-4.

#### **Amendment (0876h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to grants made under the New Hampshire incentive program.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as section 2.

#### **AMENDED ANALYSIS**

This bill permits part-time students to be eligible for grants made under the New Hampshire incentive grant program.

Adopted.

Report adopted and ordered to third reading.

**HB 608-FN-A**, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret A. Lynch for Finance: As introduced, this bill established an emergency management response and recovery fund at a cost of \$3,000,000 to the general fund in the year 2000. It was determined during the hearing process that the main concern of the director of emergency management was to have provided a source for the matching funds required, and which the director states that he has, as a commitment to secure Federal Emergency Management Agency relief assistance grants.

The amendment replaces the entire bill and establishes a non-lapsing Response and Recovery Fund, at an appropriation of \$100,000 from the general fund to meet the requirement for providing state matching funds. Vote 22-3.

#### **Amendment (1035h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Hampshire Emergency Response and Recovery Fund. RSA 107-C:15 is repealed and reenacted to read as follows:

107-C:15 New Hampshire Emergency Response and Recovery Fund. There is hereby established a New Hampshire emergency response and recovery fund. The fund shall provide a source for the matching funds required as a commitment to secure Federal Emergency Management Agency relief assistance grants for costs incurred in disasters declared by the President of the United States. The fund shall be non-lapsing and continually appropriated.

2 Appropriation. The sum of \$100,000 is hereby appropriated to the governor's office of emergency management for the fiscal year ending June 30, 2000, for the purpose of funding the emergency response and recovery fund established in section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1999.

Adopted.

Report adopted and ordered to third reading.

**HB 695-FN-A**, providing an exemption under the interest and dividends tax for taxpayers on a limited income. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: This bill provides an alternative tax exemption to the interest and dividends tax for taxpayers on a limited income. As defined in the bill, limited income means that the taxpayer's income from all sources does not exceed 200 percent of the most recent federal poverty guidelines. The Legislative Budget Assistant, Department of Revenue, and the Finance Committee agree that the fiscal impact of this bill cannot be estimated at this time as information on taxpayers' other (non interest and dividend) income is not collected. Being unable to determine this impact, the committee recommends that the bill be found Inexpedient

to Legislate. Additionally, the Finance Committee is continuing its review of HB 235, which increases currently existing exemptions to the interest and dividends tax. The Finance Committee prefers to use HB 235 as the fiscal impacts of altering already existing exemptions can be readily and easily estimated. Vote 23-2.

Rep. Sabella spoke against.

Rep. Alukonis spoke in favor and yielded to questions.

### LAID ON THE TABLE

Rep. Langley moved that **HB 695-FN-A**, providing an exemption under the interest and dividends tax for taxpayers on a limited income, be laid on the table.

On a division vote, 236 members having voted in the affirmative and 99 in the negative, the motion was adopted.

### REGULAR CALENDAR – PART I (CONT'D.)

**HB 715-FN-A-L**, granting responsibility for court security and custody and control of prisoners while in a courthouse to the county sheriff and abolishing certain court security officer positions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Finance: This bill makes the county sheriffs, through their deputies and bailiffs, responsible for providing court security in all state courts, except the supreme court. The bill also abolishes the judicial employee positions currently performing these functions. Estimated savings of enacting this bill are approximately \$600,000 per year.

This bill is a reenactment with modifications of the part of 1998 HB 204 that was ruled unconstitutional, by clearly stating that the sheriffs' employees performing these duties "shall be subject to the specific directives of the presiding justice."

The amendment removes proposed transfers of FY 1999 appropriations which are no longer relevant due to the passage of time. The amendment also removes contingency language which would take effect if this bill were also declared unconstitutional; this issue will be handled in other legislation. Vote 22-2.

### Amendment (1105h)

Amend the title of the bill by replacing it with the following:

**AN ACT** granting responsibility for court security to the county sheriff and abolishing certain court security officer positions.

Amend the bill by replacing all after section 6 with the following:

7 Repeal. The following are repealed:

I. 1998, 297:1, relative to a statement of intent with regard to court security.

II. 1998, 297:8-11, relative to the abolishment of court security positions and transfer of funds.

8 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not effect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and, to this end the provisions of this act are severable.

9 Effective Date. This act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill makes the county sheriffs, through their deputies and bailiffs, responsible for providing adequate security in all state courts, except the supreme court. The bill abolishes judicial employee positions, except for court security officer positions at the supreme court.

The bill provides that when sheriffs are providing security in the state courts, they are subject to the specific directives of the presiding justice when actually performing this duty in areas of courthouses where trials or other adjudicatory functions are undertaken.

Adopted.

Report adopted and ordered to third reading.

**HB 723-FN**, relative to standby and emergency guardianship proxies. **OUGHT TO PASS**

Rep. Marjorie K. Smith for Finance: The policy committee voted Ought to Pass, 13-0, concluding that the "bill would reduce the turmoil and potential trauma to children in times of family crises, especially when parents die unexpectedly or are incapacitated due to illness or accident."

The Finance Committee concluded that there was no fiscal impact on Health and Human Services, and no impact on state, county and local revenue. There may or may not be a slight positive or negative impact on probate court expenditures. Vote 22-1.

Adopted and ordered to third reading.

**HB 738-FN**, transferring funds from the judicial branch to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Finance: Last year with the passage of HB 204 the state assumed financial responsibility for the costs of both prisoner custody and courtroom security in superior and district courts. These costs were to be reimbursed to the county sheriffs and paid out of transfers from the judicial branch budget to the Department of Administrative Services budget. The court ruled the courtroom security and budget transfers unconstitutional. This bill appropriates money to pay the county bills for custody costs from HB 204's effective date of 1/1/99 until the end of this fiscal year. The amendment reduces the cost to \$308,000, that actually needed according to the Sheriffs' Association, and takes the money from funds otherwise not appropriated rather than, at this late date, from the judicial branch budget Vote 24-0.

#### **Amendment (1104h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** making an appropriation to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Department of Administrative Services. The sum of \$308, 000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1999, for the purpose of reimbursing counties for providing prisoner custody in courthouses. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill appropriates funds to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.

Adopted.

Report adopted and ordered to third reading.

**HB 297-FN**, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Judiciary: Allowing the truism that justice is and ought to be blind, this bill is long overdue in that it allows for jury trials to both parties who have cases dealing with civil rights actions under 354-A:1. The bill in its original form would have granted jury trials only to the plaintiff; this amended version levels the playing field to allow respondents to also request a jury trial. It gives true meaning to Art. 20, Part I of the Bill of Rights, NH Constitution regarding jury trials. "This method of procedure shall be held sacred." Vote 12-3.

#### **Amendment (1065h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

Amend the bill by replacing section 1 with the following:

1 New Section; Filing Action in Superior Court. Amend RSA 354-A by inserting after section 22 the following new section:

354-A:22-a Filing Action in Superior Court.

I. Notwithstanding any law to the contrary, any party alleging to be aggrieved by or alleged to have committed any practice made unlawful under this chapter may, at the expiration of 90 days after the timely filing of a complaint with the commission, or sooner if the commission

assents in writing, but not later than 3 years after the alleged unlawful practice occurred, bring a civil action for damages or injunctive relief, or both, in the superior court for the county in which the alleged unlawful practice occurred or in the county of residence of the party, to the same extent as damages and injunctive relief could be awarded by the commission in a complaint not removed. However, a superior court trial shall not be available to any party if the hearing before the commission has begun or has concluded pursuant to RSA 354-A:21, II(b). The party is entitled to a trial by jury on any issue of fact in an action for damages regardless of whether the party seeks equitable relief.

II. The party shall notify the commission of the filing of the superior court action. The commission shall then dismiss the complaint without prejudice, if the superior court action is filed by the complainant. A party electing to file a civil action with the superior court under paragraph I shall be barred from bringing any subsequent complaint before the commission based upon the same alleged unlawful discriminatory practice.

### AMENDED ANALYSIS

This bill permits a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

Adopted.

Report adopted and referred to Finance.

**HB 470**, relative to settlement of personal actions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jane Wood for the Majority of Judiciary: A structured settlement is an amount payable to an injured party, in settlement of a law suit, that provides for structured periodic payments rather than one large sum. An investment of the agreed-upon sum is normally made in an annuity. There are various cases when this is preferable, especially where there are ongoing or recurring expenses. An injured adult may need to be covered over a long period of time. (Children are covered under a different statute.) If a structured settlement is agreed upon through the court process, the interest earned on the investment is not taxable. This is an added benefit to the injured party (the plaintiff, who filed the law suit). This legislation would give the plaintiff the exclusive right to choose or designate a structured settlement broker (the one who will actually invest the injured party's money. The plaintiff would also have the exclusive right to designate the insurance company or other entity to which settlement proceeds, or any portion thereof, are to be paid to fund structured periodic payments. The committee felt that the plaintiff should have the option to choose, giving the injured party greater control over his/her financial future. The legislation is basically consumer protection for the injured party. Presently, they normally rely on the defendant's insurance company, which may choose a subsidiary to be its broker. This arrangement usually results in a rebate payment to the insurance company. Most of the members questioned the motives of the insurance company. They could offer a deal with a high interest rate but with a company not very stable. The plaintiff would be more likely to choose a highly rated company, in an effort to minimize the risk involved. Vote 9-3.

Rep. John M. Pratt for the Minority of Judiciary: In the judgment of the minority of the committee, the effect of this bill, if passed, would be either (a) to decrease dramatically the number of structured settlements arrived at through the normal plaintiff/defendant negotiation process, causing a corresponding increase in the number of cases going to trial, or (b) to lower significantly the dollar amount of structured settlements which defendants will offer to plaintiffs. Either result harms the very people structured settlements were designed to serve.

### Amendment (0639h)

Amend RSA 524:6-b as inserted by section 1 of the bill by replacing it with the following:

524:6-b Settlement of Personal Actions. In any action for personal injury or wrongful death where the parties have agreed to settlement, and where the parties have agreed that all or part of the settlement proceeds be used to provide for structured periodic payments, upon making such agreement:

I. The plaintiff shall have the exclusive right to designate a structured settlement broker to place the structured settlement; and

II. The plaintiff shall have the exclusive right to designate the insurance company or other entity to which settlement proceeds, or any portion thereof, are to be paid to fund structured periodic payments.

## AMENDED ANALYSIS

This bill permits plaintiffs in personal injury or wrongful death actions, where the parties have agreed to a structured settlement, to designate a structured settlement broker and an entity to receive the structured payments.

Adopted.

Reps. John Pratt and Soltani spoke against.

Rep. DePecol spoke in favor and yielded to questions.

Majority report adopted and ordered to third reading.

**HB 605-FN**, affirming sovereign immunity as it relates to the state's computers and computer software and programs and granting the state board of claims jurisdiction over claims against the state arising out of computer-related problems. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet G. Wall for Judiciary: This bill was recommitted back to the committee recognizing the complexity and uncertainty of the year 2000 compliance issue. The sub-committee essentially rewrote the bill to focus on technical aspects only for equipment readiness for the Y2K problem. In this amended version of the bill, the state of New Hampshire and its political subdivisions, including municipalities, will be granted limited liability if errors occur due to mechanical errors in system failures, program failure, and the generation of erroneous information. Every department in the state has an individual responsibility for oversight in upgrading equipment. While employee responsibilities in job performance are addressed elsewhere in law, this bill is narrowly focused on technological operations. Currently, quarterly reports on the state's readiness are issued. This bill does not address any other problems regarding the year 2000 such as 9/9/99, leap year, or the 100<sup>th</sup> day of the year, which has already passed without any computer problems. Vote 18-1.

**Amendment (1096h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** affirming sovereign immunity for the state and its political subdivisions as it relates to the "year 2000 problem".

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Defense and Indemnification of the State, its Political Subdivisions; and Public Officers and Employees; Damages Arising From Computer-Related Problems. Amend RSA 99-D by inserting after section 8 the following:

99-D:9 Claims Arising Out of Computer-Related Problems. Notwithstanding any other provision of law to the contrary, the state hereby asserts for itself and its officers, legislators, employees, agents, and political subdivisions sovereign immunity with respect to any cause of action or claim for judicial relief or remedy brought or pending against the state or any of its political subdivisions or any of their respective officers, legislators, employees or agents arising out of any failure or problem related to the "year 2000" problem, as defined in RSA 541-B:1, VII.

2 New Paragraph; Actions Against Governmental Units; Definitions; Year 2000 Problem. Amend RSA 541-B:1 by inserting after paragraph VI the following new paragraph:

VII.(a) "Year 2000 problem" means an error resulting from or caused by a failure to recognize the year 2000, including an incorrect date or incorrect mechanical or electronic interpretation of a date, that is produced, calculated, or generated by any equipment, system, or process, that is owned or leased by the state, that is controlled, operated, or in any way impacted by interaction with any method of computer or automated data processing.

(b) For the purposes of this paragraph, "error" shall include, but not be limited to, system failure, program failure, and the generation of erroneous information.

3 New Subparagraph; Computer Error Immunity. Amend RSA 541-B:19, I by inserting after subparagraph (d) the following new subparagraph:

(e) Any claim arising out of an error produced, calculated, or generated by a computer or information system, the cause of which is the year 2000 problem.

4 New Section; Liability of Governmental Units for Certain Computer Errors. Amend RSA 507-B by adding after section 2-b the following new section:

507-B:2-c Immunity for Certain Computer Errors. A governmental unit shall not be held liable for damages from any claim arising out of an error produced, calculated, or generated by a com-

puter or information system, the cause of which is the year 2000 problem, as defined in RSA 541-B:1, VII, provided that the error is not the result of performing duties in a wanton, reckless, or grossly negligent manner.

5 Severability. In the event any of these sections are found to be unconstitutional, the provisions of RSA 541-B, relative to claims against the state, and RSA 507-B, relative to claims against governmental units, shall apply.

6 Applicability. The provisions of this act shall apply to all actions and causes of action brought after the effective date of this act.

7 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill affirms sovereign immunity for the state and its political subdivisions as it relates to the "year 2000" problem.

Adopted.

Report adopted and ordered to third reading.

**HB 707-FN**, relative to the family division of the courts. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Andrew R. Peterson for Judiciary: This bill, as amended, achieved the unanimous support of the committee, and is endorsed by representatives of the New Hampshire District, Superior, and Supreme courts, the New Hampshire Bar Assn. and other interested parties. The amendment expands the existing Family Division now existing in Rockingham and Grafton counties to two additional counties, Carroll and Belknap, by 2001. It also creates a chaptered study committee to consider the best method of implementing the family division statewide. This important bill offers the opportunity to provide enhanced legal services to the citizens of the granite state when dealing with such difficult matters as divorce, abuse and neglect, children in need of services, adoption and domestic violence cases. Vote 17-0.

### Amendment (1099h)

Amend the bill by replacing all after the enacting clause with the following:

I Intent. It is the intent of the general court that a family court be implemented statewide in a manner which most expeditiously achieves the goal of providing enhanced services to parties involved in cases relating to divorce, custody, children, domestic violence, and other family law matters. The general court finds that this area of law requires the skills and attention of experienced and committed individuals who are dedicated to serving families and to the appropriate, timely resolution of family law cases in a manner which best serves the public interest. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division that is geographically accessible to the family.

2 New Subdivision; Family Division Established. Amend RSA 490 by inserting after section 31 the following new subdivision:

Family Division

490:32 Family Division.

I. There is hereby established a family division which shall be a permanent component of the judicial branch under the administrative authority of the supreme court in the counties of Rockingham and Grafton on the effective date of this subdivision. All matters under the jurisdiction of the family division shall be transferred from other state courts no later than 6 months after the effective date of this section.

II. The family division shall be expanded to the counties of Carroll and Belknap during the biennium ending June 30, 2001.

III. In establishing the family division, the supreme court shall:

(a) Designate the courthouses within each county which will house the family division.

(b) Select and designate judges, marital masters, and other court personnel from the district, probate and superior courts to serve in the family division, based on their expertise in, and commitment to, family law matters;

(c) Designate an administrative judge for the family division by selecting, from among the district and probate court judges serving in the family division, a jurist who has demonstrated an interest in legal issues affecting the family and a commitment to the values, objectives, and ideals of the family division.

490:33 Jurisdiction. Notwithstanding any law to the contrary, for each county in which the family division is established, jurisdiction over the following matters shall be exclusively exercised through the family division as jurisdiction was previously exercised in the superior, district and municipal and probate courts:

I. Petitions and libels of divorce, and petitions of nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children.

IV. Actions under RSA 169-C, relating to abused and neglected children.

V. Actions under RSA 169-D, relating to children in need of services.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district and municipal courts to enter temporary protective orders under RSA 173-B:6.

VII. The adoption of children.

VIII. The guardianship of the person of minors.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490:34 Equity Jurisdiction. Notwithstanding any law to the contrary and for each county in which the family division is established, the family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the family division. Suits in equity where subject matter jurisdiction lies with the family division including, but not limited to, petitions and libels of divorce, and petition of nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice of the family division at any time, but nothing contained in this section shall be construed as limiting the power of the family division to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

490:35 Judges and Marital Masters.

I. With the understanding of the special nature of matters within the family division, judges and marital masters selected to serve shall possess the following qualifications:

(a) Willingness to serve in the family division;

(b) Professional experience in family law matters;

(c) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of the division and a willingness to deal with complex family matters in a non-adversarial manner.

II. The governor shall nominate and the council shall confirm all new marital masters. The governor and council shall approve those seeking a renewed contract term and the terms and conditions of the marital master contract.

3 Committee Established. There is established a committee to study procedures for implementation of a statewide family division.

4 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house, each of whom shall be a member of either the judiciary committee or the children and family law committee, appointed by the speaker of the house.

(b) Three members of the senate, who shall be members of the judiciary committee, appointed by the senate president.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Duties. The committee shall study and recommend the best method of establishing procedures for implementing a statewide family division.

6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

8 Transfer of Funds and Personnel. Funds within the judicial branch operating budget and court personnel shall be transferred to the family division from the superior court and other courts as necessary.

9 Effective Date.

I. Sections 3-8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to Carroll and Belknap counties. The bill also establishes a committee to study implementation of a statewide family division.

Adopted.

Report adopted and referred to Finance.

**HB 303-FN-A**, relative to the preservation of and access to legislative records and making an appropriation therefor. **OUGHT TO PASS**

Rep. John E. Tholl, Jr. for Legislative Administration: This bill was the request of a study committee on the preservation and access to legislative records established in 1998. This bill will provide for the entire record of any bill in the possession of the clerks of the House and Senate to be transferred to the Division of Records Management and Archives to be microfilmed and scanned for electronic access or otherwise preserved. This will make the records more accessible to the public and legislators in the future. This bill has a fiscal impact on state finances on the short term for equipment and long term for one data librarian. The Fiscal Note reflects an appropriation of \$140,000 for the biennium. Vote 14-0.

Adopted and referred to Finance.

**HB 25-FN-A**, making appropriations for capital improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: The committee spent several days receiving testimony from various state agencies and heard about many necessary projects. Then the committee spent several weeks researching and learning more details about the projects. The treasurer provided the financial status of the state and suggested a bonding limit of \$50 million for the general fund. Since the Laws of 1998 provided a \$33 million appropriation for the new prison, the committee accepted \$50 million as the limit, and met the challenge by recommending a \$49.9 million General Fund capital budget for FY 2000-01 (about \$20 million less than FY 1998-99). This appropriation will generate \$20.8 million of federal funds for the approved projects. The Highway Fund projects total \$8.7 million, and the Fish and Game projects total \$1.04 million. The final bill balances the needs of the state, provides the greatest benefits and serves the greater number of citizens within the limited bonding. There were worthy projects not included that had some support, and there were many projects that would be 'nice to have' but funding limits this year did not permit their inclusion. There is concern among many members of this committee that too many projects are being proposed as capital projects that more appropriately should be funded in the operating budget. This practice causes delay in the funding of truly needed improvements or expansion of the state's crumbling infrastructure. An effort was made to 'weed out' such projects in this budget; but more effort is needed earlier in the budgeting process. The final version of this bill was passed by unanimous vote of the committee. Vote 19-0.



**Amendment (0917h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

## I. Adjutant General.

A. NHSVC maintenance building and equipment completion	\$ 610,000
Less federal	<u>-610,000</u>
Net state appropriation subparagraph A	\$ 0
B. Replacement of information technology hardware systems & applications *	<u>62,000</u>
Total state appropriation paragraph I	\$ 62,000

## II. Department of Administrative Services, Division of Plant and Property Management.

## A. Bureau of General Services.

1. Life safety code compliance – Johnson Hall building	\$ 170,000
2. Defective elec. wiring & panel replacement, health and human services building	148,500
3. Replace defective cooling tower legislative office building	66,000
4. Flash & coat (2) stair towers – health and human services building	88,000
5. Repair building foundation – Storrs St. warehouse	52,000
6. Renovate existing facility – 61 South Spring St.	1,580,800
7. Communications equipment upgrade *	200,000
8. Executive/legislative budget system *	294,000
9. Information technology plan consultants *	250,000
10. Equipment upgrade-DASD *	200,000
11. Business continuity plan *	250,000
12. Consulting service-asset tracking system *	750,000
13. VSE to MSV Conversion *	200,000
14. Bridges House roof and structural rehabilitation	125,000
15. Light replacement – health and human services *	389,050
16. Light replacement – safety *	<u>177,000</u>

Net state appropriation subparagraph A \$ 4,940,350

## B. Bureau of Court Facilities.

1. Carroll County courthouse construction	\$ 1
Net state appropriation subparagraph B	\$ 1
Total state appropriation paragraph II	\$ 4,940,351

## III. Department of Agriculture, Markets, and Food.

A. Laboratory equipment	\$ 195,000
Total state appropriation paragraph III	\$ 195,000

## IV. Community-technical college system.

A. Alan B. Shepard memorial wing development, Christa McAuliffe planetarium – Concord	\$ 100,000
B. Library accreditation compliance	4,700,000
C. Maintenance/critical repairs	1,365,000
D. General science laboratory upgrade	600,000
E. Computer systems/hardware *	<u>132,500</u>
Total state appropriation paragraph IV	\$ 6,897,500

## V. Department of Corrections.

A. Replace boiler plant – women's prison	\$ 200,000
B. New halfway house – southern	1,500,000
C. Year 2000 equipment replacement/upgrade *	146,000
D. Expansion of department WAN *	<u>126,000</u>
Total state appropriation paragraph V	\$ 1,972,000

## VI. Department of Education.

A. Computer applications expansion/replacement *	\$ 300,000
Total state appropriation paragraph VI	\$ 300,000

## VII. Department of Environmental Services.

A. Drinking water state revolving fund matching funds	\$ 2,946,780
B. Wastewater state revolving fund matching funds	270,314
C. Hazardous waste superfund match	3,140,000
D. Storage building for emergency response equipment	540,000
Less federal	<u>-432,000</u>
Net state appropriation subparagraph E	108,000
E. Natural resources mapping	304,000
Less federal	<u>-124,000</u>
Net state appropriation subparagraph E	180,000
F. Bedrock aquifer program	215,515
G. Implementation of information technology plan *	<u>317,104</u>
Total state appropriation paragraph VII	\$ 7,177,713

## VIII. Department of Health and Human Services Commissioner's Office.

A. Laboratory safety improvements	\$ 242,000
B. Laundry and bathing equipment – Glencliff	80,000
C. APS kitchen floor & window repairs – N.H. Hospital	100,000
D. Laundry equipment replacement – N.H. Hospital	180,000
E. Main Bldg./Annex 1 roof replacement –behavioral health	1,210,000
F. Laconia developmental services campus – designated receiving facility renovations – developmental services	500,000
G. Philbrook fire safety improvements – N.H. Hospital	115,000
H. Information technology *	\$ 20,500,000
Less federal	<u>-13,000,000</u>
Net state appropriation subparagraph H	<u>7,500,000</u>
Total state appropriation paragraph VIII	\$ 9,927,000

The funds appropriated in subparagraph VIII, H for information technology programs shall not be committed, contracted for, or expended, without the prior written approval of the governor.

## IX. Office of Emergency Management.

A. Telephone system replacement	\$ 218,800
Total state appropriation paragraph IX	\$ 218,800

## X. Liquor Commission.

A. Renovate store #73, Hampton – southbound	\$ 1,425,000
Total state appropriation paragraph X	\$ 1,425,000

## XI. Port Authority.

A. Security monitoring system	\$ 140,000
B. Building improvements	<u>300,000</u>
Total state appropriation paragraph XI	\$ 440,000

## XII. Department of Resources and Economic Development.

A. ADA compliance for parks facilities	\$ 150,000
B. Statewide radio system	650,000
Less federal	<u>-150,000</u>
Net state appropriation subparagraph B	500,000
C. Construct 15 recreational vehicle sites – Moose Brook	100,000
D. Septic gray water system – Mount Washington	150,000
E. Install power – Crawford Notch	<u>150,000</u>
Total state appropriation paragraph XII	\$ 1,050,000

## XIII. Department of Safety.

A. Carpeting at 10 Hazen Drive, Concord *	\$ 154,000
B. Design and construct Troop D barracks/DMC training	86,850
C. Paving and roof replacement at troop stations	15,200
D. Video surveillance system – troop stations/Hayes bldg.	<u>9,500</u>
Total state appropriation paragraph XIII	\$ 265,550

## XIV. Department of Transportation.

A. Match for FAA projects	\$ 500,000
B. Match for public transit bus replacement	290,000
C. Match for regional aircraft fire training facility	700,000
D. Acquisition for abandoned railroads & airports	1,450,000
E. Concord rail bridge	650,000
F. Compliance, governor's commission on disability – All general fund agencies	<u>1,000,000</u>
Total state appropriation paragraph XIV	\$ 4,590,000

## XV. N.H. Veterans Home.

A. Design and build new facility	\$ 10,000,000
Less federal	<u>-6,500,000</u>
Net state appropriation subparagraph A	3,500,000
Total state appropriation paragraph XV	\$ 3,500,000

## XVI. Youth Development Services.

A. King cottage renovations – design only – YDC	\$ 27,000
B. Safe rooms for Tobey building – construction – YDC	245,000
C. Purchase 4 generators *	210,000
D. Phase I – preparation for agency networking *	<u>225,000</u>
Total state appropriation paragraph XVI	\$ 707,000
Total state appropriation section 1	\$ 43,667,914

\* The bonds issued for these projects shall be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Pettee Hall general renovation	\$ 4,300,000
B. New Hampshire public television equipment	<u>2,000,000</u>
Total state appropriation section 2	\$ 6,300,000

3 Appropriation; Department of Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Broodfish facility – Milford	\$ 180,000
B. Repair & replacement of fish rearing containers	350,000
C. Water line repair/replacement	200,000
D. Central boat/equipment storage – Concord	210,000
E. Barry conservation camp building replacement	<u>100,000</u>
Total state appropriation section 3	\$ 1,040,000

4 Appropriation; Department of Transportation and Department of Safety. The sums hereinafter detailed are hereby appropriated for the projects specified:

## I. Department of Transportation.

A. Paint storage & transfer building	\$ 415,000
B. Roof repair/Stickney Ave.	630,000
C. Patrol shed – Exeter	600,000
D. Additions & modifications to building B – traffic	325,000
E. Energy & environmental renovations – statewide	1,000,000
F. Conway rest area	500,000
G. Morton building	3,000,000
H. CAD/D transition *	552,000
I. PC & Server & Software Upgrade *	<u>603,000</u>
Total state appropriation paragraph I	\$ 7,625,000

## II. Department of Safety.

A. Design and construct Troop D barracks/DMC training	\$ 823,150
B. Paving and roof replacement at troop stations	64,800
C. Video surveillance system – troop stations/Hayes bldg.	40,500
Total state appropriation paragraph II	<u>\$ 928,450</u>
Total state appropriation section 4	\$ 8,553,450

\* The bonds issued for these projects shall be 5-year bonds.

5 Expenditures; General. The appropriations made for the purposes mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

## 6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 2, paragraph A of this act for the Pettee Hall general renovation, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$59,561,364 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

## 9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made when due from the fish and game fund.

(b) Section 4 shall be made when due from the highway fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of bonds and notes issued for the purpose of section 2.

11 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

12 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, or for expenditures made pursuant to section 6 by the trustees of the university system, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

13 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

14 Information Technology Equipment and Software. Individual project appropriations for information technology equipment provided for by sections 1, 3, or 4, or for any other agency in any budget bill enacted during the 1999 legislative session, shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the division of information technology management pursuant to RSA 21-I:67 and approved by the capital budget overview committee. The division of information technology management shall review any such agency technology plans within 90 days. An agency may request an extension of time from the capital budget overview committee.

15 Youth Development Services; Capital Budget Overview Committee Approval. Amend 1997, 351:68, as amended by 1998, 372:2, to read as follows:

351:68 Expenditure of Funds Appropriated for Construction and Renovations - YDC in HB 25-A. The appropriation for construction and renovations - YDC made to the department of youth development services in section 1, paragraph XVI, D of HB 25-A of the 1997 legislative session shall be set aside for a match for any federal funds which are now or may be made available for the construction or renovation costs of facilities for juvenile offenders and shall not be spent, obligated, or encumbered until such time as *the department receives approval from* the capital budget overview committee ~~[approves the consultant's survey authorized under section 67 of this act]~~.

16 Regional Community-Technical Colleges; Early Childhood Laboratory School Fund Established. Amend RSA 188-F by inserting after section 20 the following new section:

188-F:20-a Early Childhood Laboratory School Fund. There is established the early childhood laboratory school fund which shall be administered by the department of regional community-technical colleges. Moneys received from private donations or from federal or other sources shall be deposited into the fund. The purpose of the fund is to provide for payment of the cost of bonds and notes on the early childhood laboratory school on the Concord campus, and to enhance academic programs in parent education. The fund shall be continually appropriated to the department of regional community-technical colleges and shall be nonlapsing.

17 Appropriation; Payment of Bonds and Notes; Regional Community-Technical Colleges; Early Childhood Laboratory School.

I. The sum of \$427,400 is appropriated to the regional community-technical colleges for the purpose of the construction of the early childhood laboratory school on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$427,400 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the early childhood laboratory school fund established in RSA 188-F:20-a.

18 Appropriation Purpose Amended; Resources and Economic Development; Cannon Ski Area. Amend 1995, 309:1, XII, A, 2 to read as follows:

2. ~~[Sunapee]~~ Cannon lift and ski area repairs \$ 527,000

19 Lapse Date Eliminated; Resources and Economic Development; New Hampshire Economic Development Fund. Amend 1991, 4:22 as amended by 1992, 289:26, 1993, 358:18 and 1995, 285:1, and as extended by 1997, 349:34, II to read as follows:

4:22 Appropriation. The sum of \$5,750,000 is hereby appropriated to the department of resources and economic development for the purpose of carrying out the provisions of section 21 of this act. These funds shall be in addition to any other funds appropriated to the department and ~~on June 30, 1997, all unexpended and unencumbered balances~~ shall *not* lapse.

20 Lapse Date Eliminated; Resources and Economic Development; New Hampshire Economic Development Fund. Amend 1993, 349:18, III as inserted by 1995, 285:2 and as amended by 1997, 349:18 to read as follows:

III. The appropriation contained in paragraph I shall not lapse ~~[until June 30, 1999]~~. Any balances remaining ~~[as of June 30, 1997]~~ shall be allocated by the review committee or budgeted within the state operating budget for the purposes of paragraph I or other economic initiatives and programs.

21 Capital Appropriation to Department of Safety; Amount Increased. Amend 1997, 349:4, II, A as amended by 1998, 276:4 to read as follows:

A. Dover Point substation addition, ~~[\$390,000]~~ **\$460,000**  
Warehouse/Epping station

22 Capital Budget; 1997 HB 25-A; Total Appropriation Increased; Highway Funds. Amend 1997, 349:4, total state appropriation section 4 to read as follows:

Total state appropriation section 4 ~~[\$ 4,790,000]~~ **\$4,860,000**

23 Capital Budget; 1997 HB 25-A; Total Increased. Amend 1997, 349:8 to read as follows:

349:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$67,998,437]~~ **\$68,068,437** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

24 Lapse Dates Extended to June 30, 2001. The following appropriations are hereby extended to June 30, 2001.

I. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as amended by 1991, 351:27, II(I) and 1992, 289:60, as extended by 1993, 359:20, V, 1995, 309:32, VII, 1996, 215:3, I, and 1997, 349:34, I for improvements at the Keene Dillant-Hopkins airport.

II. The appropriation made to the department of environmental services in 1993, 359:1, IV, B for the state revolving fund match.

III. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, and 1997, 349:34, X for land acquisition for navigation beacons.

IV. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, as extended by 1997, 349:34, XI for the health and human services building and laboratory HVAC renovations.

V. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 3, as extended by 1997, 349:34, XIV for the study and design of court facility on county donated land – Carroll County Superior Court.

VI. The appropriation made to the department of corrections in 1995, 309:1, IV, K, as amended by 1997, 349:29, and as extended by 1997, 349:34, XVII for preliminary design of expanded correctional facilities, including land acquisition, in accordance with federal crime bill grants.

VII. The appropriation made to the department of corrections in 1995, 309:1, IV, L and as amended by 1997, 349:34, XVIII for the construction of boilers, N.H. state prison for women, Goffstown.

VIII. The appropriation made to the department of environmental services in 1995, 309:1, VI, A as extended by 1997, 349:34, XIX for the state revolving fund program – wastewater.

IX. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, 1 as extended by 1997, 349:34, XXIII for RSA 171-B mentally retarded criminal offenders.

X. The appropriation made to the department of health and human services in 1995, 309:1, VII, C, 1 as extended by 1997, 349:34, XXIV for life and safety renovations – Glencliff.

XI. The appropriation made to the department of resources and economic development in 1995, 309:1, XII, A, 2 as amended by section 18 of this act and as extended by 1997, 349:34, XXVIII for Cannon lift and ski area repairs.

XII. The appropriation made to the department of resources and economic development in 1997, 335:3 for the purchase and development of property in Piermont, New Hampshire on Lake Tarleton.

XIII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 3 and 4 for roof repairs – supreme court and health and human services building.

XIV. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 9 for repair of drainage system – state library.

XV. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 10 and 11 for parking garage repairs – legislative office building and Storrs street.

XVI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12 for the emergency repairs, contingency fund.

XVII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13 for the life safety, renovations – health and human services building.

XVIII. The appropriation made to the department of administrative services in 1997, 349:1, II, B, 1-3 for LAN hardware and site preparation, year 2000 financial support system, and check processing and mailing system.

XIX. The appropriation made to the department of administrative services in 1997, 349:1, II, C, 1 for the bureau of court facilities Dover/Durham/Somersworth District Court.

XX. The appropriation made to the community technical college system in 1997, 349:1, IV, A for telephone systems and roof projects- Manchester, Claremont, Nashua, and Concord.

XXI. The appropriation made to the community technical college system in 1997, 349:1, IV, C for critical laboratory support for N.H. industries.

XXII. The appropriation made to the community technical college system in 1997, 349:1, IV, E for upgrade of general science laboratories.

XXIII. The appropriation made to the department of environmental services in 1997, 349:1, VI, A for the waste water state revolving fund match.

XXIV. The appropriation made to the department of environmental services in 1997, 349:1, VI, B for the drinking water state revolving fund match.

XXV. The appropriation made to the department of environmental services in 1997, 349:1, VI, D for the bedrock aquifer assessment.

XXVI. The appropriation made to the department of environmental services in 1997, 349:1, VI, F for dam removal.

XXVII. The appropriation made to the department of health and human services commissioner's office in 1997, 349:1, VII, F and as amended in 1998, 276:1 for the Brown Building addition and renovation – Glencliff.

XXVIII. The appropriation made to the port authority in 1997, 349:1, IX, D for the maintenance dredging Hampton/Seabrook harbor.

XXIX. The appropriations made to the department of resources and economic development in 1997, 349:1, X, B-D for repair Rocky Bend seawall, replace bath house – Sunapee, and replace bridge – Lafayette campground.

XXX. The appropriation made to the department of transportation in 1997, 349:1, XIV, A for 5-10 percent match FAA airport projects.

XXXI. The appropriation made to youth development services in 1997, 349:1, XVI, D as amended by 1997, 351:68 and 1998, 372:2, 3 and as amended by section 15 of this act for construction and renovations – YDC.

XXXII. The appropriation made to the department of transportation in 1997, 349:4, I, A for John O. Morton building renovation.

XXXIII. The appropriation made to the department of safety in 1997, 349:4, II, A as amended by 1998, 276:4 and as amended by section 21 of this act for warehouse/Epping station.

XXXIV. The appropriation made to the department of safety in 1997, 349:4, II, B as amended by 1998, 276:4 for microwave system upgrade.

XXXV. The appropriation made to the department of corrections in 1998, 223:2 for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

25 Effective Date.

I. Section 24 of this act shall take effect June 30, 1999.

II. The remainder of this act shall take effect July 1, 1999.

Adopted.

Report adopted and referred to Finance.

**HB 630-FN-L**, relative to the Skyhaven airport transfer plan. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Winston H. McCarty for Public Works and Highways: Skyhaven Airport, located in Rochester, is the only airport in this state owned and managed by the state of New Hampshire, other than the Pease Airport, which is managed by an authority. This bill endeavors to make possible the formulation of the mechanics to transfer Skyhaven to a local or regional entity. The objective is for better management and a more beneficial airport. The amendment specifies that revenues from hangars 2, 3 & 4 not needed for bond repayment shall be deposited for use in the operating fund. This bill calls for a plan to be developed by the Long Range Capital Planning and Utilization Committee and the Skyhaven Airport Operation Commission. This bill was the result of a study done last summer. This bill does not require that any city, town or other public entity take title; it does however, require that a plan be developed. Vote 16-1.

#### Amendment (0400h)

Amend RSA 422:49, III as inserted by section 3 of the bill by replacing it with the following:

III. Rental revenues from Hangars 2, 3 and 4 at Skyhaven airport which are not needed for bond repayment or required to be deposited in the Skyhaven hangar sinking fund account shall be deposited in this fund. All other revenues from Skyhaven airport rentals, leases, fees, and the sale of goods and services at Skyhaven airport shall be deposited in this fund.

Adopted.

On a division vote, 238 members having voted in the affirmative and 84 in the negative, the report was adopted.

Referred to Finance.

**SB 12-FN-A**, relative to the World War II memorial campaign and making an appropriation therefor. **OUGHT TO PASS**

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: This bill asks an appropriation of \$1 for each NH citizen who served in W.W.II to help fund the construction of a W.W.II memorial on the national mall in Washington DC. This memorial will be the first national memorial dedicated to all who served in the Armed Forces and Merchant Marine of the US during W.W.II. In 1993, Congress passed legislation authorizing the building of the national W.W.II memorial. The Fiscal Note calls for a total appropriation of \$60,000. Vote 13-0.

Adopted and referred to Finance.

#### REGULAR CALENDAR – PART II

**HB 252**, establishing a procedure for separation of condominium units at the Commons at Merrimack. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill provides a mechanism to allow a condominium to divide itself into two separate properties. The condominium association that came before us included a block of rental units divided by a road from a group of owner-occupied townhouses. The owner-occupied units have been unable to obtain financing from some lenders because of the high rate of non-owner occupied units. The bill, as amended, included numerous opportunities for an opponent of the division to have an opportunity to be heard before the local governing body, planning board, and appeal to the superior court. Vote 12-2.

Rep. Hunt moved Re-commit to Committee.

Adopted.



**HB 668**, adding 2 members to the board of directors of the Pease development authority. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: While the sponsor had valid concerns as to the tenants' representation on the Board of Directors, many conflict of interest problems surfaced during the testimony. The committee does not feel that we can move ahead at this time with this piece of legislation. Vote 11-3.

Adopted.

**HB 360-FN**, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons. **OUGHT TO PASS**

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill clarifies the current statutes relative to convicted felons who are prohibited from possession of firearms and/or other dangerous weapons. Under existing New Hampshire statutes those convicted of a non violent felony such as passing a bad check, can still possess a firearm. Under federal statutes, these same people are prohibited from possession of firearms. The existing conflict between federal and state statutes puts citizens of New Hampshire who have a non violent felony on their record, in harm's way. This correction to RSA 159:3 will clarify who can and who cannot possess firearms. RSA 159:3, III states that: "It is an affirmative defense to a charge under this section that a felony of which a defendant has been convicted in another jurisdiction would not have constituted a felony in the state of New Hampshire at the time such felony was committed." House Bill 360 as introduced makes New Hampshire statutes conform to federal statutes. Vote 14-2.

Adopted and ordered to third reading.

**HB 574-FN-A**, establishing a fisheries habitat fee required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats. **OUGHT TO PASS**

Rep. Steve Vaillancourt for Finance: This bill would raise the price of a fishing license by \$1 (currently \$23.25 for in-state residents, \$35.50 for out-of-staters) generating an estimated \$140,000 a year to be used to fund a fisheries habitat account within Fish and Game. Finance took into account the support this bill had from Fish and Game and members of the public during the hearing before the Wildlife and Marine Resources Committee. No general fund monies are involved; the increase seems appropriate for the purpose established by the policy committee; thus Finance has no objection. Vote 22-2.

Adopted and ordered to third reading.

**HB 596**, making technical corrections to certain laws administered by the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Alukonis for Finance: This bill makes technical corrections to certain tax laws and extends the temporary tax rate for the communications services tax through the biennium ending June 30, 2001. The technical changes include: reference to general tax provisions regarding penalties, reference to the United States Internal Revenue Code, clarification of an existing exemption from the real estate transfer tax, correction of a reference regarding the legacies and succession tax, and the repeal of a certain limitation on the commissioner's authority to waive or abate penalties which was enacted for the sole purpose of the tax amnesty program in the last biennium. The bill also provides that the 5.5% communications services tax rate is continued for the next biennium (3.0% permanent, 5.5% temporary). This extension will yield over \$45 million during fiscal '00 & '01. Lastly, the bill also extends the prospective repeal date for the exemption of wooden poles used for communications purposes from real estate taxes. This action is taken pursuant to the extensive review and legislation which took place during the last legislative session. It should also be noted that the temporary tax rates regarding the real estate transfer tax and the rooms and meals tax are NOT in this bill as the rates for those taxes were addressed in HB 117. Vote 21-1.

#### **Amendment (1135h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** making technical corrections to certain laws administered by the department of revenue administration and extending the temporary tax rate of the communications services tax through the biennium ending June 30, 2001.

Amend the bill by replacing all after section 5 with the following:

6 Rate of Tax for Biennium Ending June 30, 2001; Intrastate and Interstate Communications Services Tax. Notwithstanding RSA 82-A:3 and RSA 82-A:4, for the period beginning July 1, 1999 and ending June 30, 2001, the rate of tax is 5.5 percent on the gross charge for communications services purchased at retail from a retailer.

7 Prospective Repeal Date Extended for Exemption of Wooden Poles Under RSA 72:8-b. Amend 1998, 304:6, 1 to read as follows:

I. Section 5 of this act shall take effect July 1, ~~1999~~ 2001.

8 Effective Date.

I. Sections 1-5 of this act shall take effect 60 days after its passage.

II. Section 7 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill makes technical corrections to certain laws administered by the department of revenue administration. This bill extends the temporary tax rate of the communications services tax through the biennium ending June 30, 2001.

Adopted.

Report adopted and ordered to third reading.

**HB 601**, allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, and correcting out-of-date references and phraseology pertaining to the department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Finance: This bill creates a new unclassified (appointed by governor and council) position of warden of the northern New Hampshire (Berlin) correctional facility, allows the assistant commissioner to assume the duties of the commissioner when necessary, renames two current superintendents as wardens, and corrects out-of-date references. The committee amendment changes this warden's pay group and salary to the minimum category exceeding his current classified employee salary ("N" instead of "O"; next-to-top step instead of the top step), and changes the personnel group of the lakes region facility (Laconia) warden to equal the new warden's personnel group.

While the Committee considered making both of these warden positions group "O" instead of "N", limiting the new position to group "N" leaves this recently-hired employee with one step increase still available; this decision also leaves time for the study committee being created by separate legislation to evaluate all unclassified positions within the state and recommend changes. However, given the increase in population at the Laconia facility since its warden was classified in group "M", to a population comparable with Berlin's capacity, the similarity between Laconia and Berlin justifies paying these two wardens equally Vote 22-1.

### Amendment (1170h)

Amend the title of the bill by replacing it with the following:

**AN ACT** allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, correcting out-of-date references and phraseology pertaining to the department of corrections, adding the position of warden of the Northern New Hampshire Correctional Facility to the unclassified system, and changing the personnel group status of the warden of the lakes region facility.

Amend the bill by replacing section 5 with the following:

5 Reference Change and Addition to Personnel Group. Amend RSA 94:1-a by:

I. Deleting in group M:

Superintendent, New Hampshire state prison for women

Superintendent, lakes region facility, department of corrections

II. Inserting in group M:

Warden, New Hampshire state prison for women

III. Inserting in group N:

Warden, lakes region facility, department of corrections

Warden, Northern New Hampshire Correctional Facility, department of corrections

Amend the bill by inserting after section 5 the following and renumbering the original sections 6-11 to read as 7-12, respectively:

6 Applicability of Salary Classifications. The warden of the Northern New Hampshire Correctional Facility (formerly the Berlin prison facility) on the effective date of this act shall become the unclassified warden at the salary step in group N which is not less than the warden's classified salary. The warden of the lakes region facility on the effective date of this act, shall be placed in the unclassified salary step in group N so that the warden shall be compensated at a rate not less than the superintendent's present salary.

### AMENDED ANALYSIS

This bill allows the assistant commissioner to assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties, corrects certain out-of-date references pertaining to the department of corrections, and adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N and the position of warden of the lakes region facility to unclassified personnel group N.

Adopted.

Report adopted and ordered to third reading.

**HB 644-FN-A-L**, authorizing the operation of electronic games of chance at pari-mutuel licensee locations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.** Rep. William S. Belvin for the Majority of Finance: This bill authorizes electronic games of chance (e.g. slot machines or video poker), establishes the process for conducting these games, and creates a gaming enforcement division with the Department of Safety. The bill intends to grant an exclusive privilege to the state's four racetracks, as the gambling machines are only authorized for the existing holders of pari-mutuel licenses. Local communities in which racetracks are located must adopt the authorizing RSA by majority vote, but there is no provision for rescinding video gambling once adopted. Extensive provisions are made for the control of both persons and machines, including investments in central computer systems, thus recognizing the inherent dangers contained within the bill. The fiscal note shows first two years expenditures of \$1.691 million to establish video gambling with state revenues of \$160 million for the same time period. There is broad skepticism about these revenue estimates, particularly in light of the potential for Massachusetts to permit casinos on our border if such a bill is adopted.

The committee majority doubted that the state should in effect establish monopolies at the four racetracks for video gambling, and felt that the social and economic consequences would greatly diminish any presumed revenue benefits from video gambling. Some committee members viewed the proposal as exploitative of persons vulnerable to addiction. Others viewed the measure as a regressive means of raising revenue. Concerns were expressed over the potential damage to area small businesses from the diversion of discretionary dollars from stores and amusements into gambling.

Division IV of Finance and the full committee defeated motions of recommit and re-refer before voting 15-8 for Inexpedient to Legislate. Expanded gambling bills are heard in the legislature nearly every year. This bill will mark the third time this session that expanded gambling has been before the full House. It is clear to the committee majority that, on balance, video gambling brings more monetary and social ills than any presumed economic benefit. **Vote 15-8.**

Rep. Steve Vaillancourt for the Minority of Finance: The minority believes it is essential that this bill be re-referred for further study. While we can differ about the pluses and minuses of expanded video lottery, one thing we ought to be able to agree upon is that if we are going to do this, we ought to do it right. We ought to consider the arguments and counter-arguments regarding such things as: the social and economic impacts on society; whether this is a sustainable source of revenue should Massachusetts also legalize expanded gambling in the near future; does this type of activity lead to an increase in crime; and perhaps most significantly, what constraints should be placed on gambling and should it be limited to tracks, hotels, or opened to a wider array.

While this bill contains specific proposals, the sponsor is not married to any of them and offers the referral as an ideal device to address these and other philosophical and implementation issues. A starting point could well be the 1994 150-page gambling study which provides voluminous data on the issues raised here. The minority believes an extensive review of this is absolutely required, and if not now, then when?

The minority also believes that now is not the time to foreclose any funding source, not considering the gap we created in the general fund when we passed the committee of conference Claremont solution last week.

### MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **HB 644-FN-A-L**, authorizing the operation of electronic games of chance at pari-mutuel licensee locations, be laid on the table.

Rep. Soltani requested a roll call; sufficiently seconded.

### YEAS 158 NAYS 176

#### YEAS 158

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Lawton, David
Salatiello, Thomas			

#### CARROLL

Babson, David, Jr	Dickinson, Howard
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#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Riley, William	Roberts, William	Russell, Ronald
Smith, Edwin	Zerba, Roger		

#### COOS

Guay, Lawrence	Landers, Dana	Mears, Edgar	Rodrigue, Robert
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#### GRAFTON

Alger, John	Copenhaver, Marion	Densmore, Jessica	Ham, Bonnie
Picconi, Al	Solow, Martha	Ward, Brien	

#### HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Buckley, Raymond
Burkush, James	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Drabinowicz, A	Dwyer, Paul, Sr
Fenton, James	Fields, Dennis	Foster, Linda	Franks, Suzan
Gagnon, Paul	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Lasky, Bette	Leonard, Peter
Lynde, Harold	Martel, Andre	McCarthy, William	McDonald, James, Sr
McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie	Milligan, Robert
Moran, Edward	Moriarty, Mary	Murphy, Robert	Perkins, Paul
Reeves, Sandra	Reidy, Frank	Sarette, John	Turgeon, Roland
Vaillancourt, Steve	Wall, Nancy	White, John	

#### MERRIMACK

Bouchard, Candace	Daneault, Gabriel	Davis, Francis	Fortnam, Janet
Owen, Derek	Potter, Frances	Poulin, Dave	Seldin, Gloria
Wallin, Jean	Whittemore, James		

#### ROCKINGHAM

Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell	Clark, Martha
Clark, Vivian	Dalrymple, Janeen	DiFruscia, Anthony	Downing, Michael
Flanagan, Natalie	Gibbons, Paul	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Langley, Jane

Langone, John  
O'Neil, Michael  
Raynowska, Bernard  
Shelton, Richard  
Weyler, Kenneth

Mikowski, Walter  
Pantelakos, Laura  
Rubin, George  
Shultis, Elizabeth

Morse, Charles  
Pitts, Jacqueline  
Sapareto, Frank  
Stritch, C Donald

Norelli, Terie  
Priestley, Anne  
Schanda, Frank  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Gillmore, Gary  
Knowles, William  
Rogers, Rose Marie  
Taylor, Kathleen

Bickford, David  
Domingo, Baldwin  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Twardus, Joseph

Brown, George  
Dunlap, Patricia  
Johnson, Nancy  
Lundborn, Raymond  
Snyder, Clair  
Vincent, Francis

Brown, Julie  
Estabrook, Iris  
Keans, Sandra  
McKinley, Robert  
Spang, Judith  
Wall, Janet

### SULLIVAN

Allison, David  
Jones, Constance

Burling, Peter  
Leone, Richard

Donovan, Thomas, Jr  
Phinizy, James

Flint, Gordon, Sr  
Robb-Theroux, Amy

### NAYS 176

### BELKNAP

Boyce, Robert  
Pilliod, James  
Wood, Jane

Holbrook, Robert  
Rosen, Ralph

Lawton, Robert  
Turner, Robert

Millham, Alida  
Wendelboe, Francine

### CARROLL

\* Bradley, Jeb  
Mock, Henry  
Torresen, Gary

Chandler, Gene  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy  
Sullivan, P Judith

### CHESHIRE

Burnham, Daniel  
Robertson, Timothy

Hunt, John  
Rose, William

Manning, Joseph  
Royce, H Charles

Pratt, John

### COOS

Davis, Perley  
Woodward, David

Merrill, Gerald

Pratt, Leighton

Tholl, John, Jr

### GRAFTON

Akins, Ralph  
Dudley, Terri  
Hall, David  
LaMott, Paul  
Scanlan, David

Almy, Susan  
Eaton, Stephanie  
Harmon, Hobart  
MacNeil, Allen  
Weber, Phil

Brothers, Richard  
Gilman, G Michael  
Hinman, Harry  
Marshall, Gene

Cobb, John  
Guest, Robert  
Johnson, Gary  
Phinney, William

### HILLSBOROUGH

Alukonis, David  
Beaupre, Roland  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Daniels, Gary  
Dyer, Merton  
Ford, Nancy  
Hall, Betty  
Jean, Loren  
Lozeau, Donnalee  
McGough, Tim

Andrews, Frederick  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Desrosiers, William  
Emerton, Lawrence  
Gagnon, Eugene  
Hansen, Herbert  
Kurk, Neal  
MacGillivray, Jeffrey  
Melcher, Harold

Arnold, Thomas, Jr  
Brundige, Robert  
Chabot, Robert  
Curran, James  
Dokmo, Cynthia  
Fletcher, Richard  
Garrish, Linda  
Herman, Keith  
LaRose, Richard  
Martin, Mary  
Mercer, Robert

Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Dalianis, Griffin  
Durham, Susan  
Flora, Kathleen  
Goulet, Maurice  
Holley, Sylvia  
Lessard, Rudy  
McCarty, Winston  
Messier, Irene

Nolan-Piteri, Dawn  
 Pepino, Leo  
 White, Donald

O'Connell, Timothy  
 Peterson, Andrew  
 Withee, Dennis

O'Hearn, Jane  
 Sargent, Maxwell

Pappas, Marc  
 Thulander, O Alan

### MERRIMACK

Anderson, Eric  
 French, Barbara  
 Kennedy, Richard  
 Leber, William  
 Maxfield, Roy  
 Soltani, Tony  
 Whalley, Michael

Asplund, Bronwyn  
 Hager, Elizabeth  
 Langer, Ray  
 Lockwood, Priscilla  
 Moore, Carol  
 St Cyr, Gerard  
 Yeaton, Charles

Brewster, Richard  
 Hess, David  
 Larrabee, David, Sr  
 Marple, Richard  
 Nichols, Avis  
 Virtue, Carolyn

Chase, George  
 Jacobson, Alf  
 Lavoie, Gerard  
 Marshall, Kenneth  
 Rodd, Beth  
 Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
 Case, Margaret  
 Cox, Russell  
 Flanders, John, Sr  
 Hamel, Albert  
 Major, Norman  
 Noyes, Richard  
 Reardon, Neil  
 Stone, Joseph  
 Welch, David

Arndt, Janet  
 Christie, Andrew, Jr  
 Dowling, Patricia  
 Francoeur, Sheila  
 Henderson, Warren  
 McKinney, Betsy  
 Packard, Sherman  
 Ruffner, Walter  
 Tufts, J Arthur  
 Zolla, William

Beaulieu, Jon  
 Corbin, C David  
 Fesh, Robert  
 Gleason, John  
 Kobel, Rudolph  
 Nowe, Mary Lou  
 Putnam, Ed, II  
 Sabella, Norma  
 Varrell, Thomas

Bishop, Franklin  
 Cote, Patricia  
 Flanders, David  
 Griffin, Mary  
 Lovejoy, Marian  
 Nowe, Ronald  
 Quandt, Marshall  
 Stickney, Nancy  
 Weare, Everett

### STRAFFORD

Cossette, Larry  
 Spear, Barbara

Kaen, Naida  
 Torr, Franklin

Pelletier, Arthur  
 Woods, Phyllis

Smith, Marjorie

### SULLIVAN

Cloutier, John

Wiggins, Celestine

Young, David

and the motion failed.

The question now being the adoption of the majority report.

Reps. Guay and Ward spoke against.

Reps. Jacobson, Kennedy and John Pratt spoke in favor and yielded to questions.

Reps. DePecol, Milligan and Vaillancourt spoke against and yielded to questions.

Reps. Boyce and Hess spoke in favor.

Rep. Kurk requested a roll call; sufficiently seconded.

### YEAS 233 NAYS 108

### YEAS 233

### BELKNAP

Boyce, Robert  
 Millham, Alida  
 Turner, Robert

Holbrook, Robert  
 Pilliod, James  
 Wendelboe, Francine

Lawton, David  
 Rosen, Ralph

Lawton, Robert  
 Salatiello, Thomas

### CARROLL

Bradley, Jeb  
 Mock, Henry  
 Torressen, Gary

Chandler, Gene  
 Patten, Betsey

Kenney, Joseph  
 Philbrick, Donald

Lyman, L Randy  
 Sullivan, P Judith

### CHESHIRE

Burnham, Daniel  
 Pratt, Irene  
 Robertson, Timothy

Hunt, John  
 Pratt, John  
 Rose, William

Manning, Joseph  
 Richardson, Barbara  
 Royce, H Charles

Meador, David  
 Riley, William

**COOS**

Davis, Perley	Pratt, Leighton	Tholl, John, Jr	Woodward, David
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**GRAFTON**

Akins, Ralph	Almy, Susan	Brothers, Richard	Cobb, John
Copenhaver, Marion	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Guest, Robert	Hall, David	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	Johnson, Gary	MacNeil, Allen	Marshall, Gene
Phinney, William	Scanlan, David	Solow, Martha	Weber, Phil

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Beaupre, Roland	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Curran, James	Dalianis, Griffin
Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Gagnon, Eugene
Garrish, Linda	Ginsburg, Ruth	Goulet, Maurice	Hall, Betty
Hansen, Herbert	Herman, Keith	Herman, Richard	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Kurk, Neal	LaRose, Richard
Lasky, Bette	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martel, Andre	Martin, Mary	McCarthy, William
McCarty, Winston	McGough, Tim	McRae, Karen	Melcher, Harold
Mercer, Robert	Messier, Irene	Moran, Edward	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc	Pepino, Leo
Perkins, Paul	Peterson, Andrew	Reeves, Sandra	Sarette, John
Sargent, Maxwell	Thulander, O Alan	Wall, Nancy	White, Donald
Withee, Dennis			

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Davis, Francis	Fortnam, Janet	French, Barbara	Hager, Elizabeth
Hess, David	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Larrabee, David, Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Nichols, Avis	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Seldin, Gloria	Soltani, Tony	St Cyr, Gerard
Virtue, Carolyn	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Bishop, Franklin
Case, Margaret	Christie, Andrew, Jr	Clark, Martha	Clark, Vivian
Corbin, C David	Cote, Patricia	Cox, Russell	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr	Franceour, Sheila	Gleason, John
Hamel, Albert	Henderson, Warren	Johnson, Robert	Katsakiores, George
Kelley, Jane	Kobel, Rudolph	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Putnam, Ed, II
Quandt, Marshall	Rabideau, Marie	Reardon, Neil	Ruffner, Walter
Sabella, Norma	Sapareto, Frank	Shultis, Elizabeth	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Vaughn, Charles	Weare, Everett	Welch, David	Zolla, William

**STRAFFORD**

Cossette, Larry	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Torr, Franklin
Wall, Janet	Woods, Phyllis		

**SULLIVAN**

Allison, David	Cloutier, John	Jones, Constance	Leone, Richard
Phinizy, James	Tuthill, John	Wiggins, Celestine	

**NAYS 108****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Wood, Jane
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**CARROLL**

Babson, David, Jr	Dickinson, Howard
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**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Mitchell, McKim	Roberts, William	Russell, Ronald
Smith, Edwin	Zerba, Roger		

**COOS**

Guay, Lawrence	Landers, Dana	Mears, Edgar	Merrill, Gerald
Rodrigue, Robert			

**GRAFTON**

Alger, John	Densmore, Jessica	LaMott, Paul	Picconi, Al
Ward, Brien			

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Buckley, Raymond
Burkush, James	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dwyer, Paul, Sr	Fields, Dennis
Foster, Linda	Franks, Suzan	Gagnon, Paul	Goley, Jeffrey
Gorman, Mary	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Lefebvre, Roland	Leonard, Peter
McDonough-Wallace, Alice	Mendenhall, Leslie	Milligan, Robert	Moriarty, Mary
Murphy, Robert	Reidy, Frank	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Daneault, Gabriel	Poulin, Dave	Wallin, Jean
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**ROCKINGHAM**

Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell	Cooney, Richard
Dalrymple, Janeen	Gibbons, Paul	Griffin, Mary	Kane, Cecelia
Katsakiores, Phyllis	Langley, Jane	Langone, John	Mikowski, Walter
Morse, Charles	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Raynowska, Bernard	Rubin, George	Schanda, Frank
Shelton, Richard	Splaine, James	Weyler, Kenneth	



**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Lundborn, Raymond  
Twardus, Joseph

Bickford, David  
Domingo, Baldwin  
McKinley, Robert  
Vincent, Francis

Brown, George  
Heon, Richard  
Rollo, Michael

Brown, Julie  
Knowles, William  
Taylor, Kathleen

**SULLIVAN**

Burling, Peter

Donovan, Thomas, Jr

Flint, Gordon, Sr

Young, David

and the majority report was adopted.

**INDEFINITE POSTPONEMENT**

Rep. Hager moved that **HB 644-FN-A-L**, authorizing the operation of electronic games of chance at pari-mutuel licensee locations, be indefinitely postponed and spoke in favor.

Reps. Baroody, Avery, DiFruscia, Wallin and Burling spoke against.

Reps. Mock and Chandler spoke in favor.

Rep. Hager requested a roll call; sufficiently seconded.

**YEAS 191 NAYS 145**

**YEAS 191**

**BELKNAP**

Boyce, Robert  
Turner, Robert

Holbrook, Robert  
Wendelboe, Francine

Millham, Alida

Pilliod, James

**CARROLL**

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy  
Torresen, Gary

**CHESHIRE**

Burnham, Daniel  
Pratt, Irene  
Royce, H Charles

Hunt, John  
Richardson, Barbara  
Zerba, Roger

Manning, Joseph  
Robertson, Timothy

Meader, David  
Rose, William

**COOS**

Davis, Perley  
Tholl, John, Jr

Landers, Dana

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Copenhaver, Marion  
Guest, Robert  
LaMott, Paul  
Scanlan, David

Almy, Susan  
Dudley, Terri  
Hall, David  
MacNeil, Allen  
Weber, Phil

Brothers, Richard  
Eaton, Stephanie  
Hinman, Harry  
Marshall, Gene

Cobb, John  
Gilman, G Michael  
Johnson, Gary  
Phinney, William

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Daniels, Gary  
Durham, Susan  
Fletcher, Richard  
Garrish, Linda  
Herman, Keith  
Jean, Loren  
Lozeau, Donnalee

Andrews, Frederick  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Desrosiers, William  
Dyer, Merton  
Flora, Kathleen  
Goulet, Maurice  
Herman, Richard  
Kurk, Neal  
MacGillivray, Jeffrey

Arnold, Thomas, Jr  
Brundige, Robert  
Chabot, Robert  
Curran, James  
Dokmo, Cynthia  
Emerton, Lawrence  
Ford, Nancy  
Hall, Betty  
Holley, Sylvia  
LaRose, Richard  
Martin, Mary

Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Dalianis, Griffin  
Drabinowicz, A  
Fenton, James  
Gagnon, Eugene  
Hansen, Herbert  
Hunter, Bruce  
Lessard, Rudy  
McCarthy, William

McCarty, Winston  
Messier, Irene  
Pappas, Marc  
Sarette, John  
Withee, Dennis

McGough, Tim  
Nolan-Piteri, Dawn  
Pepino, Leo  
Thulander, O Alan

Melcher, Harold  
O'Connell, Timothy  
Peterson, Andrew  
Wall, Nancy

Mercer, Robert  
O'Hearn, Jane  
Reeves, Sandra  
White, Donald

### MERRIMACK

Anderson, Eric  
French, Barbara  
Larrabee, David, Sr  
Marple, Richard  
Nichols, Avis  
Virtue, Carolyn  
Yeaton, Charles

Brewster, Richard  
Hager, Elizabeth  
Lavoie, Gerard  
Marshall, Kenneth  
Owen, Derek  
Wallner, Mary Jane

Chase, George  
Hess, David  
Leber, William  
Maxfield, Roy  
Rodd, Beth  
Whalley, Michael

Davis, Francis  
Jacobson, Alf  
Lockwood, Priscilla  
Moore, Carol  
Soltani, Tony  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Cox, Russell  
Flanders, John, Sr  
Henderson, Warren  
Lovejoy, Marian  
Nowe, Ronald  
Reardon, Neil  
Stone, Joseph  
Weare, Everett

Arndt, Janet  
Christie, Andrew, Jr  
Fesh, Robert  
Francoeur, Sheila  
Kelley, Jane  
Major, Norman  
Packard, Sherman  
Ruffner, Walter  
Stritch, C Donald  
Welch, David

Beaulieu, Jon  
Corbin, C David  
Flanagan, Natalie  
Gleason, John  
Kobel, Rudolph  
McKinney, Betsy  
Putnam, Ed, II  
Sabella, Norma  
Tufts, J Arthur  
Zolla, William

Bishop, Franklin  
Cote, Patricia  
Flanders, David  
Hamel, Albert  
Letourneau, Robert  
Nowe, Mary Lou  
Quandt, Marshall  
Stickney, Nancy  
Varrell, Thomas

### STRAFFORD

Cossette, Larry  
Kaen, Naida  
Smith, Marjorie  
Torr, Franklin

Dunlap, Patricia  
Lent, Donald  
Snyder, Clair  
Wall, Janet

Estabrook, Iris  
Pelletier, Arthur  
Spang, Judith  
Woods, Phyllis

Johnson, Nancy  
Pelletier, Marsha  
Spear, Barbara

### SULLIVAN

Allison, David

Phinizy, James

Tuthill, John

Wiggins, Celestine

### NAYS 145

### BELKNAP

Bartlett, Gordon  
Lawton, Robert

Boriso, Thomas  
Rosen, Ralph

Czech, Stanley  
Salatiello, Thomas

Lawton, David  
Wood, Jane

### CARROLL

Babson, David, Jr

Dickinson, Howard

Sullivan, P Judith

### CHESHIRE

Avery, Stephen  
Doucette, Richard  
McGuirk, Paul  
Roberts, William

Batchelder, Robert  
Lerandeau, Alfred  
Mitchell, McKim  
Russell, Ronald

Blaisdell, Michael  
Lynch, Margaret  
Pratt, John  
Smith, Edwin

DePecol, Benjamin  
Lynott, Margaret  
Riley, William

### COOS

Guay, Lawrence

Mears, Edgar

Rodrigue, Robert

### GRAFTON

Alger, John  
Picconi, Al

Densmore, Jessica  
Solow, Martha

Ham, Bonnie  
Ward, Brien

Harmon, Hobart

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Buckley, Raymond
Burkush, James	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daigle, Robert	Dwyer, Paul, Sr	Fields, Dennis
Foster, Linda	Franks, Suzan	Gagnon, Paul	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Lefebvre, Roland	Leonard, Peter	Lynde, Harold	Martel, Andre
McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie	Milligan, Robert
Moran, Edward	Moriarty, Mary	Murphy, Robert	Perkins, Paul
Reidy, Frank	Sargent, Maxwell	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Daneault, Gabriel	Fortnam, Janet	Langer, Ray
Potter, Frances	Poulin, Dave	Reardon, Tara	Seldin, Gloria
St Cyr, Gerard	Wallin, Jean		

**ROCKINGHAM**

Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell	Clark, Martha
Clark, Vivian	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Gibbons, Paul	Griffin, Mary
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Langone, John	Mikowski, Walter	Morse, Charles
Norelli, Terie	O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Raynowska, Bernard	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
Weyler, Kenneth			

**STRAFFORD**

Berube, Roger	Bickford, David	Brown, George	Brown, Julie
Callaghan, Frank	Domingo, Baldwin	Gilmore, Gary	Heon, Richard
Keans, Sandra	Knowles, William	Lundborn, Raymond	McKinley, Robert
Rogers, Rose Marie	Rollo, Michael	Taylor, Kathleen	Twardus, Joseph
Vincent, Francis			

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Jones, Constance	Leone, Richard	Young, David	

and the motion was adopted.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby it voted to Indefinitely Postpone **HB 644-FN-A-L**, authorizing the operation of electronic games of chance at pari-mutuel licensee locations, and spoke against.

Reconsideration failed.

**REGULAR CALENDAR – PART II (CONT'D.)**

**HB 652-FN**, relative to victims' assistance, penalty assessments on criminal offenses, and establishing a surcharge on items sold at state prison commissaries which is continually appropriated to the victims' assistance fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Finance: This bill significantly increases funds available for the victims' assistance fund by increasing the surcharge on all fines and penalties for criminal offenses from 17 to 20 per cent (\$500,000 additional revenue per year) and surcharging state prison commissary purchases by 5 per cent (\$75,000 additional revenue per year). The bill also makes these funds continually appropriated. The Committee finds that the additional revenue generated for

victim assistance will allow significant increases in dollar limits and significant relaxation of categorical limitations on expenses by the victims' assistance fund. The committee amendment simply clarifies language. Vote 20-3.

#### Amendment (1163h)

Amend the bill by replacing section 6 with the following:

6 Restitution First Priority. Amend RSA 651:63, VI to read as follows:

VI. Restitution, administrative fines and fees, and other fees collected, except for supervision fees pursuant to RSA 504-A:13, shall be allocated on a pro-rata basis *by the commissioner of corrections or his or her designee* when payments are insufficient to cover the full amount due for each of these balances, *except that restitution to victims shall have priority over all other allocations.* Adopted.

Report adopted and ordered to third reading.

#### HB 719-FN, relative to procedures regarding children in need of services. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Jane Wallner for Finance: This bill clarifies certain procedures involving children in need of services. The policy committee voted 14-0 Ought to Pass as Amended. The bill originated as the direct result of an 18-month study done by the court task force. Definitions for the terms of diversion and intervention are established.

The Finance Committee amended the bill to change the effective date, clarify the definition of diversion, and to make clear that the cost of the programs shall be paid by private insurance, if available, or otherwise by the child, parent, guardian or person having custody of the child, except under certain circumstances already provided by law. Vote 20-0.

#### Amendment (1185h)

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Diversion Defined. Amend RSA 169-D:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Diversion" means a decision made by a person with authority which results in providing an individually designed program for delivery of services for the child by a specific provider, or a plan to assist the child in finding a remedy for his or her inappropriate behavior. The goal of diversion is to prevent further involvement of the child in the formal legal system. Diversion of a child may take place either at pre-filing as an alternative to the filing of a petition or at any time after the filing of the petition.

Amend the bill by replacing section 9 with the following:

9 New Subparagraph; Dispositional Hearing May Include Certain After-School or Evening Programs. Amend RSA 169-D:17, I by inserting after subparagraph (d) the following new subparagraph:

(e) Requiring any child to attend structured after-school or evening programs which address some of the child's compliance issues, as well as supervise the child during the time of the day in which the child most values his or her freedom and the time which is most often used to perform unruly acts. The cost of said programs shall be paid by private insurance, if available, or otherwise by the child, parent, guardian or person having custody of the child, or may be available to the child free of charge based on the limited means of the family or based on the program's receipt of other funding, including but not limited to funding distributed pursuant to RSA 170-G:4, XVI. Payment shall be made pursuant to RSA 169-D:29 only for those programs that have been certified pursuant to RSA 170-G:4, XVIII.

Amend the bill by replacing section 11 with the following:

11 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

#### HB 505-FN, establishing a special license plate for veterans. INEXPEDIENT TO LEGISLATE

Rep. Jon P. Beaulieu Transportation: An amendment was offered by the sponsor to establish a \$25 fee for these special license plates and an advisory commission to design the plates. This bill was very similar to HB 680, and most of the debate was centered around the same issues. The committee has many members who are veterans and support veterans issues. Once again they commend

the sponsors for their effort, however, they are opposed to the use of special license plates to do so. There were also recent reports from our neighbor to the south that has implemented 7 such special plates, which have not sold well. This state has not even recovered the start up or inventories cost. The committee also recognizes that the conservation license plate has not been issued yet, and this needs to be considered. Additionally, the committee heard testimony from the Commissioner of Safety that the legal purpose for license plates is for law enforcement to recognize proper registration. The department would like to discourage legislation of special license plates for recognition and safety concerns within the law enforcement community. Vote 18-0.

Rep. Packard moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 525-FN**, relative to prisoner of war license plates. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Alfred C. Lerandau for the Majority of Transportation: This bill as amended relative to special plates for certain veterans extends the transferring of plates to a surviving spouse. After much lively discussion amongst the committee over the role of caregiver or spouse, it became our opinion that the plate would only be for the surviving spouse. This bill creates no fiscal impact. Vote 12-5.

Rep. Stanley E. Czech for the Minority of Transportation: It was the opinion of the minority that since the amendment deleted the phrase, "... may be retained by widows upon death of a former prisoner of war for as long as they remain widows.", the original idea behind the bill is lost. Furthermore, the bill does not allow a spouse, who may have been the spouse for a greater number of years after the veteran returned, and provided support and loving care longer than the spouse at the time of incarceration, was not eligible to keep the plate simply because she was not married to the POW when he was a prisoner. We believe this bill does not do what was originally intended – to honor those spouses who supported their POW husbands after their return from the war.

#### Amendment (1142h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to special number plates for certain veterans.

Amend the bill by replacing all after the enacting clause with the following:

1 Special Number Plates for Certain Veterans. RSA 261:86 is repealed and reenacted to read as follows:

261:86 Special Number Plates for Certain Veterans.

I. The department shall furnish one set of special number plates, designed by the director with the approval of the commissioner, for one motor vehicle owned by a veteran who:

(a) Because of being an amputee, or paraplegic, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, or who is evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from such service-connected disability. The special number plates shall incorporate the international accessibility symbol.

(b) Has been determined by the veterans administration to be suffering from total blindness as a result of a service-connected disability.

(c) Is a former prisoner of war and was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be transferable upon death to the surviving spouse of the prisoner of war provided that such surviving spouse provides proof that he or she was married to the prisoner of war during the imprisonment.

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.

(e) Survived Pearl Harbor and was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be issued upon payment of the regular registration and number plate fees. The plates shall be transferable upon death to the surviving spouse of the Pearl Harbor survivor provided that such surviving spouse provides proof that he or she was married to the Pearl Harbor survivor at the time of the Pearl Harbor invasion.

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration and number plate fees. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans. Individuals who qualify for special plates for certain veterans shall only be issued one set of plates pursuant to this section.

2 Repeal. The following are repealed:

I. RSA 261:87, relative to special number plates for vehicles of blind veterans.

II. RSA 261:87-a, relative to plates for former prisoners of war.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill delineates the requirements for certain veterans to obtain special number plates. The bill also repeals provisions relative to special number plates for vehicles of blind veterans and plates for former prisoners of war.

Adopted.

Majority report adopted and ordered to third reading.

### RECONSIDERATION

Having voted on the prevailing side, Rep. Bergin moved that the House reconsider its action whereby it ordered to third reading **HB 487**, relative to the adoption of bonds or notes in certain school districts and municipalities, and spoke against.

Rep. Weyler spoke in favor and requested a roll call; sufficiently seconded.

### YEAS 154 NAYS 168

#### YEAS 154

#### BELKNAP

Bartlett, Gordon  
Lawton, Robert  
Wendelboe, Francine

Boriso, Thomas  
Millham, Alida

Boyce, Robert  
Rosen, Ralph

Lawton, David  
Turner, Robert

#### CARROLL

Babson, David, Jr  
Kenney, Joseph  
Philbrick, Donald

Bradley, Jeb  
Lyman, L Randy  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry  
Torresen, Gary

Dickinson, Howard  
Patten, Betsey

#### CHESHIRE

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

#### COOS

Guay, Lawrence

Merrill, Gerald

Tholl, John, Jr

#### GRAFTON

Akins, Ralph  
Gilman, G Michael  
Hinman, Harry  
Phinney, William

Cobb, John  
Hall, David  
Johnson, Gary  
Picconi, Al

Dudley, Terri  
Ham, Bonnie  
LaMott, Paul  
Ward, Brien

Eaton, Stephanie  
Harmon, Hobart  
Marshall, Gene  
Weber, Phil

#### HILLSBOROUGH

Alukonis, David  
Brundige, Robert  
Christiansen, Lars  
Dyer, Merton  
Flora, Kathleen  
Holley, Sylvia

Arnold, Thomas, Jr  
Bruno, Pierre  
Clegg, Robert, Jr  
Emerton, Lawrence  
Gagnon, Eugene  
Jean, Loren

Batula, Peter  
Calawa, Leon, Jr  
Dalianis, Griffin  
Fenton, James  
Goulet, Maurice  
Johnson, Lionel

Beaupre, Roland  
Carlson, Donald  
Daniels, Gary  
Fletcher, Richard  
Herman, Keith  
Kurk, Neal

Lefebvre, Roland  
Martel, Andre  
Milligan, Robert  
Pappas, Marc  
Sargent, Maxwell  
White, Donald

Lessard, Rudy  
McGough, Tim  
Moran, Edward  
Pepino, Leo  
Thulander, O Alan  
Withee, Dennis

Lozeau, Donnalee  
McRae, Karen  
Murphy, Robert  
Reeves, Sandra  
Turgeon, Roland

MacGillivray, Jeffrey  
Mercer, Robert  
O'Connell, Timothy  
Sarette, John  
Wall, Nancy

### MERRIMACK

Anderson, Eric  
Langer, Ray  
Marple, Richard  
Whalley, Michael

Brewster, Richard  
Lavoie, Gerard  
Marshall, Kenneth  
Whittemore, James

Hess, David  
Leber, William  
Maxfield, Roy

Jacobson, Alf  
Lockwood, Priscilla  
Nichols, Avis

### ROCKINGHAM

Arndt, Janet  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Flanders, David  
Henderson, Warren  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Quandt, Marshall  
Schanda, Frank  
Stritch, C Donald  
Weyler, Kenneth

Beaulieu, Jon  
Clark, Vivian  
Dowling, Patricia  
Flanders, John, Sr  
Johnson, Robert  
Langley, Jane  
Mikowski, Walter  
Packard, Sherman  
Raynowska, Bernard  
Shelton, Richard  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Corbin, C David  
Fesh, Robert  
Griffin, Mary  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Reardon, Neil  
Stickney, Nancy  
Weare, Everett

Bishop, Franklin  
Cote, Patricia  
Flanagan, Natalie  
Hamel, Albert  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Mary Lou  
Putnam, Ed, II  
Ruffner, Walter  
Stone, Joseph  
Welch, David

### STRAFFORD

McKinley, Robert

Torr, Franklin

Woods, Phyllis

### SULLIVAN

None

### NAYS 168

### BELKNAP

Holbrook, Robert

Pilliod, James

Wood, Jane

### CARROLL

None

### CHESHIRE

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Meader, David  
Richardson, Barbara  
Zerba, Roger

DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

### COOS

Davis, Perley  
Rodrigue, Robert

Landers, Dana

Mears, Edgar

Pratt, Leighton

### GRAFTON

Alger, John  
Guest, Robert

Almy, Susan  
MacNeil, Allen

Copenhaver, Marion  
Scanlan, David

Densmore, Jessica  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Bergin, Peter	Buckley, Raymond	Burkush, James	Chabot, Robert
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Curran, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Fields, Dennis	Ford, Nancy
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Hansen, Herbert	Herman, Richard	Jean, Claudette	Keye, Harvey
Konys, Christine	LaPorte, George	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lynde, Harold	Martin, Mary	McCarthy, William
McCarty, Winston	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Moriarty, Mary	O'Hearn, Jane	Perkins, Paul
Peterson, Andrew	Reidy, Frank	Vaillancourt, Steve	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Chase, George	Daneault, Gabriel	Davis, Francis
Fortnam, Janet	Hager, Elizabeth	Larrabee, David, Sr	Moore, Carol
Owen, Derek	Potter, Frances	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Case, Margaret
Clark, Martha	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Downing, Michael	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Kane, Cecelia	Langone, John	Lovejoy, Marian	Norelli, Terie
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma
Sapareto, Frank	Shultis, Elizabeth	Splaine, James	Tufts, J Arthur
Vaughn, Charles			

**STRAFFORD**

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Lent, Donald	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Twardus, Joseph	Vincent, Francis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	Phinizy, James
Tuthill, John	Wiggins, Celestine		

and reconsideration failed.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 20, 1999 at 10:00 a.m.

Adopted.



**LATE SESSION****Third reading and final passage**

- HB 216**, relative to release conditions pending trial for defendants in domestic violence, stalking, or protective order violation cases.
- HB 584-FN**, relative to administrative license suspensions.
- SB 18**, relative to the rulemaking authority of the state board of education regarding certain educational personnel.
- SB 77**, relative to authorized regional enrollment area schools.
- SB 117**, relative to the duties of the board of trustees of the community-technical college system.
- SB 38**, relative to the optional term for election of a cooperative school district moderator.
- HB 414-FN**, establishing a committee to study the unclassified salary structure for state officers.
- HB 658-FN**, relative to certification, registration, and insurance requirements for recovery agents who assist bail agents and sureties.
- HB 670**, establishing an advisory board to study the future of the New Hampshire automated information system's "Webster" Internet site.
- SB 60**, establishing a committee to study the licensure of radiographers and radiologic technicians.
- HB 66-FN**, relative to disability retirement benefits for retirement system members permanently incapacitated for duty.
- HB 274-FN**, relative to the office of the consumer advocate.
- HB 485-FN**, relative to the calculation of unemployment compensation benefits.
- HB 486-FN-A**, relative to the physician effectiveness program.
- HB 546-FN-A**, providing partial funding to support research monitoring groundwater at reclamation sites that have had sludge applied.
- SB 109**, deleting the witnessing requirement for notices of lease.
- SB 139**, relative to self-proved wills and making reference changes.
- SB 180**, establishing a committee to study the improvement of employment opportunities offered by the state of New Hampshire for persons with disabilities.
- HCR 2**, recognizing students who display good behavior in the public schools.
- SB 161-L**, relative to amending the contributory pension system for employees of the city of Manchester.
- HB 609**, relative to construction of a sewer force main through a state land conservation easement.
- HCR 9**, encouraging greater health care choices for Medicare eligible citizens throughout New Hampshire.
- HJR 7**, supporting the continued management of the White Mountain National Forest for multiple uses as a part of the National Forest System.
- SB 75**, relative to out-of-state boats.
- SB 138**, relative to joint tenancy with rights of survivorship.
- SB 56**, amending the law relative to who may adopt.
- HB 451**, establishing a committee to study first and second mortgage home loans.
- HB 487**, relative to the adoption of bonds or notes in certain school districts and municipalities.
- HB 732**, relative to nonpayment of member dues and fees and access to financial records of condominium associations.
- HB 706**, relative to the definition of "sexual contact" under the sexual assault laws and relative to the registration of certain criminal offenders.
- HB 739**, eliminating certain restrictions on the number of days bingo volunteers may serve.
- SB 30**, relative to the cruelty to animals law.
- HB 626-FN**, relative to revising the laws regulating accountancy.
- HB 616-FN-A**, establishing a house study committee to consider issues related to the driver training fund.
- HB 698-FN-L**, restricting fees for registration permits for certain vehicles.
- HB 551**, revising the definition of "employer" under the employment discrimination laws of the state.
- HB 728-FN**, establishing a commission to study the compensation of members of the legislature and the reimbursement for expenses.
- SB 81**, permitting the city of Manchester to issue bonds to finance unfunded liability of the city's employee pension system.
- HB 263**, repealing the Northern New England Low-Level Radioactive Waste Management Compact.

**HJR 8**, urging the Federal Energy Regulatory Commission to change the structure of the New England Independent System Operator (ISO).

**HB 97**, relative to the right to farm.

**HB 88-FN**, relative to purchasing credit for prior service for certain employees in the New Hampshire retirement system.

**HB 89-FN-A**, making an appropriation for a department of transportation study of the state house complex to evaluate space needs.

**HB 294-FN-L**, relative to state aid to municipalities for closure of certain municipal incinerators.

**HB 311-FN-A**, relative to grants made under the New Hampshire incentive program.

**HB 608-FN-A**, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor.

**HB 715-FN-A-L**, granting responsibility for court security to the county sheriff and abolishing certain court security officer positions.

**HB 723-FN**, relative to standby and emergency guardianship proxies.

**HB 738-FN**, making an appropriation to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.

**HB 470**, relative to settlement of personal actions.

**HB 605-FN**, affirming sovereign immunity for the state and its political subdivisions as it relates to the "year 2000 problem".

**HB 360-FN**, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons.

**HB 574-FN-A** establishing a fisheries habitat fee required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats.

**HB 596**, making technical corrections to certain laws administered by the department of revenue administration and extending the temporary tax rate of the communications services tax through the biennium ending June 30, 2001.

**HB 601**, allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, correcting out-of-date references and phraseology pertaining to the department of corrections, adding the position of warden of the Northern New Hampshire Correctional Facility to the unclassified system, and changing the personnel group status of the warden of the lakes region facility.

**HB 652-FN** relative to victims' assistance, penalty assessments on criminal offenses, and establishing a surcharge on items sold at state prison commissaries which is continually appropriated to the victims' assistance fund.

**HB 719-FN**, relative to procedures regarding children in need of services.

**HB 525-FN**, relative to special number plates for certain veterans.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 5:10 p.m.

### RECESS

(Rep. Stone in the Chair)

### RESOLUTION

Rep. Leone offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 62, 76, 88, 131, 162, 166, 167, 172, 175, 178, 195, 198, 205, 212 and 217 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 62-FN-A-L**, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor. (Resources, Recreation and Development)

- SB 76-L**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. (Municipal and County Government)
- SB 88-FN**, relative to penalties for third driving while intoxicated offenses. (Criminal Justice and Public Safety)
- SB 131-FN-A**, updating the name of the office of vacation travel to the office of travel and tourism in nonconforming RSA sections. (Executive Departments and Administration)
- SB 162**, providing for the licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances. (Commerce)
- SB 166**, establishing a committee to study insurance coverage for certain physical, occupational, and speech therapies. (Commerce)
- SB 167**, relative to off-label prescription drugs. (Commerce)
- SB 172**, relative to representation by a citizen in a court proceeding. (Judiciary)
- SB 175-FN**, requiring insurance coverage for prescription contraceptive drugs and devices and for contraceptive services. (Commerce)
- SB 178-FN-A**, relative to appropriations to the port authority for dredging projects. (Public Works and Highways)
- SB 195-FN-A**, appropriating funds for sludge testing. (Environment and Agriculture))
- SB 198-FN**, relative to certification of persons installing and servicing propane gas and heating oil equipment. (Executive Departments and Administration)
- SB 205-FN**, expanding medical coverage to pay dental assistance for adults on medicaid. (Finance)
- SB 212-FN**, requiring the insurance department to develop a plan to address the needs of persons with chronic illnesses and disabilities. (Commerce)
- SB 217-FN**, relative to real estate brokers of other jurisdictions doing business in this state. (Executive Departments and Administration)

## SENATE MESSAGES

### CONCURRENCE

- HB 258**, establishing Gold Star Mother's Day honoring mothers who lost sons or daughters while on duty in the armed forces.
- HB 292**, relative to ballot procedures for constitutional amendments.
- HB 340**, establishing a committee to study mercury source reduction and recycling issues.
- HB 357**, establishing a committee to study and investigate issues related to investigations, trials, convictions, and sentencing of sex offenders.
- HB 583**, extending the reporting date for the committee studying the issue of updating New Hampshire laws related to fences.
- HB 651**, revising the speed limit law.

### NONCONCURRENCE

- HB 223**, relative to waiver of filing fees and petitions for candidates for federal offices.

### ENROLLED BILL AMENDMENT

- HB 426**, relative to clean indoor air in state buildings.

#### Amendment (1243-EBA)

Amend RSA 10-B:2, I as inserted by section 3 of the bill by replacing lines 7-11 with the following: state; ~~and~~]

(b) After January 1, 1996, any building space leased by the state either in an original or renewal lease; *and*

(c) After January 1, 2000, any building addition or building renovation to a state building.  
Adopted.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 58, 230, 302, 435, 556, 557, 592, 620, 634, 638, 671 and 686 and Senate Bills 17 and 41.

Rep. Ronald Nowe and Sen. D'Allesandro for the Committee

### RECESS

**(Rep. Konys in the Chair)**

**SENATE MESSAGES**

**CONCURRENCE**

**HB 306**, relative to discoverability of environmental audit reports.

**HB 322**, relative to funds provided by a mortgagee at real estate closings.

**HB 373**, making technical corrections to the securities laws.

**HB 420**, relative to orders for spousal support in domestic relations cases.

**HB 736**, ratifying the 1999 Allentown annual town meeting.

**CONCURRENCE WITH AMENDMENTS**

**SB 60**, establishing a committee to study the licensure of radiographers and radiologic technologists.

**SB 75**, establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

**SB 77**, relative to authorized regional enrollment area schools.

**SB 81**, permitting the city of Manchester to issue bonds to finance unfunded liability of the city's employee pension system.

**SB 117**, relative to the duties of the board of trustees of the community-technical college system and relative to reports made to the commissioner of the regional community-technical college system.

**SB 161-L**, relative to amending the contributory pension system for employees of the city of Manchester and authorizing the town of Salem pension plan.

**ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 67**, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses.

The President appointed Sens. Pignatelli, Fernald and Squires.

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 18

Thursday, May 20, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Bradley J. Bergfalk from the Concord Covenant Church.

O God, be with us as we meet today. Open our minds to mutual understanding, our hearts to a common purpose, and our wills to fulfill Your will. Be present with those members who are recovering from accident and illness. Bolster the flagging spirits of members who are tired. Energize all of us to the significance and value of the mundane tasks we must accomplish even today. Amen.

Rep. Noyes led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Courchesne, Blanchard, Doucette, DePecol, Dowling, Golden, Hunter, McColgan, Nordgren, Perkins, Sabella, Searles and Williams, the day, illness.

Reps. Abbott, Bridle, Peter Cote, Domingo, Gile, George Katsakiores, Phyllis Katsakiores, Landers, MacNeil, Mears, Mosher, Musler, Mary Lou Nowe, Ronald Nowe, O'Keefe, Irene Pratt, Solow and Weatherspoon, the day, important business.

Reps. Clemons, Dawe, Horton and Mendenhall, the day, illness in the family.

### INTRODUCTION OF GUESTS

Lillian Picconi, mother of Rep. Picconi. Christine Stoddard, guest of Reps. Jones and Leone. Barbara Brewster and Audry Schaiffer, wife and guest of Rep. Brewster. Thornton's Ferry 4<sup>th</sup> Grade class and their teacher Mrs. Crawford, guests of the Merrimack delegation. Ann Friend, guest of Rep. Case. Nancy, Steve and Stephen Gray, Brownie and Carolyn Smith and David Moffitt, guests of the Lebanon delegation.

### SPECIAL GUEST

Jennifer Gray from West Lebanon, the American Academy of Achievement Golden Plate award winner, guest of the House.

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 206**, relative to restrooms in restaurants. (Amendment printed SJ 16, 4/29/99)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted.

### ENROLLED BILL AMENDMENTS

**HB 357**, establishing a committee to study and investigate issues related to investigations, trials, convictions, and sentencing of sex offenders.

#### Amendment (1336-EBA)

Amend section 2 of the bill by replacing line 4 with the following:  
criminal justice and public safety committee and one of whom shall be from the judiciary committee, appointed by the

Amend section 3 of the bill by replacing line 2 with the following:  
investigation, indictment, trial, conviction, and sentencing of sex offenders. The committee shall also study and  
Adopted.

**SB 139**, relative to self-proved wills and making reference changes. (Amendment printed SJ 20, 5/25/99)

Adopted.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 52, 57, 83, 174 and 189 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 52**, requiring insurance coverage for infertility treatments. (Commerce)

**SB 57**, permitting challenges to judges. (Judiciary)

**SB 83**, relative to the regulation of the practice of veterinary medicine. (Executive Departments and Administration)

**SB 174**, relative to the regulation of telemarketers. (Commerce)

**SB 189-FN**, relative to the establishment of a civil rights act. (Judiciary)

### BILLS REMOVED FROM CONSENT CALENDAR ON MAY 13, 1999

**HB 722-FN**, revising the law relative to protection of persons from domestic violence. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill is a reorganization of the present Domestic Violence Statute, RSA 173-B. The various components are rewritten so that the process is easier to follow and understand. The first sections begin with the definitions and their statutory references followed by jurisdiction and venue. Next are commencement of proceedings, temporary relief, permanent relief and etceteras. A subcommittee met six times to work on this bill. Under the definition of abuse, we added a requirement that if a person violates one of the listed crimes the conduct has to constitute a credible threat to the plaintiff's safety. Further into the bill we made it very clear that a person filing a Domestic Violence Petition (DVP) would be subject to criminal penalties if they make a false allegation of abuse and on the DVP application we will require the following words to appear: "I swear that the foregoing information is true and correct to the best of my knowledge. I understand that making a false statement on this petition will subject me to criminal penalties." We allow the temporary hearing to be held no sooner than three days and not later than five days if a request is made to have a hearing. Under RSA 173-B:5 (Relief) it is plainly stated that temporary reconciliation shall not revoke an order and a person restrained from contacting the plaintiff cannot do so even if invited by the plaintiff, unless the order is modified by the court. There are technical corrections such as changing the reference of Department of Safety to the Administrative Office of the Courts who is now responsible for maintaining the list of active DVP orders. Under the current statute firearms can be taken for the duration of a DVP. In this rewrite, provisions for a motion to return firearms can be filed with the court 15 days prior to the expiration of an order and the court shall schedule a hearing no later than 15 days after the expiration of the order. The court is required to notify the plaintiff of this hearing. Another change from current statutes regarding firearms has been included to allow defendants, when firearms are taken under an order, to make arrangements to have them stored with a federally licensed firearms dealer at the defendants' expense and with the approval of the court. This feature relieves local police departments with limited space or no storage facilities suitable for storage of firearms from responsibility for "proper storage" and allows the defendant to secure "proper storage" of the firearms if the court approves. The last major change from the bill as introduced is in the penalty section where in five different places we changed the phrase from "shall be charged" to the discretionary "may be charged": thus allowing the judge to take special circumstances into consideration when making decisions. The committee believes that this bill presents improvements and fair treatment for all parties during times of great emotional stress. Vote 12-1.

#### Amendment (0954h)

Amend the bill by replacing all after the enacting clause with the following:

##### 1 Statement of Purpose.

I. It is the public policy of this state to prevent and deter domestic violence through equal enforcement of the criminal laws and the provision of judicial relief for domestic violence victims.

II. It is the purpose of this act to preserve and protect the safety of the family unit for all family or household members by entitling victims of domestic violence to immediate and effective police protection and judicial relief. This act shall be liberally construed to the end that its purpose may be fulfilled.

2 Cross Reference Revised; Department of Safety Investigations. Amend RSA 159-C:2, I(a) to read as follows:

(a) Review its criminal history records and any protective order records in its possession, if any, to determine if the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or protective order under RSA ~~[173-B:6]~~ **173-B**;

3 Chapter Revised; Protection of Persons From Domestic Violence. RSA 173-B is repealed and reenacted to read as follows:

## CHAPTER 173-B

### PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE

173-B:1 Definitions. In this chapter:

I. "Abuse" means the commission or attempted commission of one or more of the following acts by a family or household member or current or former sexual or intimate partner and where such conduct constitutes a credible threat to the plaintiff's safety:

- (a) Assault or reckless conduct as defined in RSA 631:1 through RSA 631:3.
- (b) Criminal threatening as defined in RSA 631:4.
- (c) Sexual assault as defined in RSA 632-A:2 through RSA 632-A:5.
- (d) Interference with freedom as defined in RSA 633:1 through RSA 633:3-a.
- (e) Destruction of property as defined in RSA 634:1 and RSA 634:2.
- (f) Unauthorized entry as defined in RSA 635:1 and RSA 635:2.
- (g) Harassment as defined in RSA 644:4.

II. "Applicant" means any private, town, city or regional agency or organization applying for funds under RSA 173-B:16.

III. "Commissioner" means the commissioner of the department of health and human services.

IV. "Contact" means any action to communicate with another either directly or indirectly, including, but not limited to, using any form of electronic communication, leaving items, or causing another to communicate in such fashion.

V. "Coordinator" means the agency or organization appointed by the commissioner to administer the domestic violence grant program.

VI. "Cross orders for relief" means separate orders granted to parties in a domestic violence situation where each of the parties has filed a petition pursuant to this chapter on allegations arising from the same incident or incidents of domestic violence.

VII. "Deadly weapon" means "deadly weapon" as defined in RSA 625:11, V.

VIII. "Department" means the department of health and human services.

IX. "Domestic violence" means abuse as defined in RSA 173-B:1, I.

X. "Family or household member" means:

(a) Spouses, ex-spouses, persons cohabiting with each other, and persons who cohabited with each other but who no longer share the same residence.

(b) Parents and other persons related by consanguinity or affinity, other than minor children who reside with the defendant.

XI. "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by force of gunpowder.

XII. "Foreign protective order" means an order enforceable under RSA 173-B:13.

XIII. "Fund" means the special fund for domestic violence programs established by RSA 173-B:15.

XIV. "Grantee" means any private, town, city, or regional agency or organization receiving funds under RSA 173-B:16.

XV. "Intimate partners" means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.

XVI. "Mutual order for relief" means an order restraining both parties from abusing the other originating from a petition filed by one of the parties and arising from the same incident or incidents of domestic violence.

XVII. "Program" means services or facilities provided to domestic violence victims.

173-B:2 Jurisdiction and Venue.

I. All district courts shall have concurrent jurisdiction with the superior court over all proceedings under this chapter.

II. If the plaintiff has left the household or premises to avoid further abuse, the plaintiff shall have the option to commence proceedings pursuant to RSA 173-B:3 in the county or district where the plaintiff temporarily resides.

III. Proceedings under this chapter may be transferred to another court upon the motion of any party or of the court as the interests of justice or the convenience of the parties may require.

IV. In any county where the family division is located, the family division shall have jurisdiction over domestic violence cases consistent with 1995, 152.

173-B:3 Commencement of Proceedings; Hearing.

I. Any person may seek relief pursuant to RSA 173-B:5 by filing a petition, in the county or district where the plaintiff or defendant resides, alleging abuse by the defendant. Any person filing a petition containing false allegations of abuse shall be subject to criminal penalties. Notice of the pendency of the action and of the facts alleged against the defendant shall be given to the defendant, either personally or as provided in paragraph III. The plaintiff shall be permitted to supplement or amend the petition only if the defendant is provided an opportunity prior to the hearing to respond to the supplemental or amended petition. All petitions filed under this section shall include the home and work telephone numbers of the defendant, if known. Notice of the whereabouts of the plaintiff shall not be revealed except by order of the court for good cause shown. Any answer by the defendant shall be filed with the court and a copy shall be provided to the plaintiff by the court.

II.(a) The minority of the plaintiff shall not preclude the court from issuing protective orders against a present or former intimate partner, spouse, or ex-spouse under this chapter.

(b) A minor plaintiff need not be accompanied by a parent or guardian to receive relief or services under this chapter.

III. No filing fee or fee for service of process shall be charged for a petition or response under this section, and the plaintiff or defendant may proceed without legal counsel. Either a peace officer or the sheriff's department shall serve process under this section. Any proceeding under this chapter shall not preclude any other available civil or criminal remedy.

IV. The clerks of the district and superior courts shall supply forms for petitions and for relief under this chapter designed to facilitate pro se proceedings. All such petitions shall contain the following words: I swear that the foregoing information is true and correct to the best of my knowledge. I understand that making a false statement on this petition will subject me to criminal penalties.

V. Upon entry of any action in a district court, where the court determines that there is pending in the superior court a cause of action involving the same parties arising out of the same situation on which the district court action is based, the case shall be transferred to the superior court to be heard as if originally entered in the superior court, unless the district court determines that the interests of justice or expediency require the district court to exercise jurisdiction. Any transfer to the superior court under this paragraph shall be made as soon as practicable following entry of the action.

VI. The findings of facts shall be final, but questions of law may be transferred from the district court to the supreme court in the same manner as from the superior court.

VII. The court shall hold a hearing within 30 days of the filing of a petition under this section or within 10 days of service of process upon the defendant, whichever occurs later.

VIII. In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material.

173-B:4 Temporary Relief.

I. Upon a showing of an immediate and present danger of abuse, the court may enter temporary orders to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone or facsimile. Such telephonically issued orders shall be made by a district or superior court judge to a law enforcement officer, shall be valid in any jurisdiction in the state, and shall be effective until the close of the next regular court business day. Such orders shall be returnable to the district court where the plaintiff resides or to which the plaintiff has fled, unless otherwise ordered by the issuing justice. If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing on such orders. Such hearing shall be held no less than 3 business



days and no more than 5 business days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-B:3, VII. Such temporary relief may direct the defendant to relinquish to a peace officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order. Other temporary relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court.

(3) Restraining the defendant from withholding items of the plaintiff's personal property which are specified in the order. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(4) Awarding custody of minor children to either party or, upon actual notice, to the department when it is in the best interest of a child.

(5) Denying the defendant visitation, ordering that visitation shall be supervised, or ordering a specific visitation schedule. Visitation shall only be ordered on an ex parte basis where such order can be entered consistent with the following requirements. In determining whether visitation can be safely ordered, the court shall consider the following factors:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

(6) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.

(7) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(8) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(9) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:4, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant, for the duration of the protective order.

(b) Other relief, including but not limited to:

(1) Awarding to the plaintiff the exclusive use and possession of an automobile, home and household furniture, if the defendant has the legal duty to support the plaintiff or the plaintiff's minor children, or the plaintiff has contributed to the household expenses. The court shall consider the type and amount of contribution to be a factor.

(2) Restraining the defendant from taking any action which would lead to the disconnection of any and all utilities and services to the parties' household, or the discontinuance of existing business or service contracts, including, but not limited to, mortgage or rental agreements.

II. The defendant may be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing the peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant and if the court has reason to believe that all such firearms and ammunition and specified deadly weapons have not been relinquished by the defendant.

173-B:5 Relief.

I. A finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse. Such relief shall direct

the defendant to relinquish to the peace officer any and all firearms and ammunition in the control, ownership or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order. Other relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court.

(3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.

(4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.

(6) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:5, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant.

(b) Other relief including, but not limited to:

(1) Granting the plaintiff the exclusive use and possession of the premises and curtilage of the plaintiff's place of residence, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises.

(2) Restraining the defendant from withholding items of the plaintiff's personal property specified by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(3) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff or minor children.

(4) Ordering the defendant to make automobile, insurance, health care, utilities, rent, or mortgage payments.

(5) Awarding temporary custody of the parties' minor children to either party or, where appropriate, to the department, provided that:

(A) Where custody of the parties' minor children with the department may be appropriate, the department shall receive actual notice of the hearing 10 days prior to such hearing provided that, if necessary, such hearing may be continued 10 days to provide the department adequate notice.

(B) The department may move at any time to rescind its custody of the parties' minor children.

(6) Establishing visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation or requiring supervised visitation, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

(7) Directing the defendant to pay financial support to the plaintiff or minor children, unless the defendant has no legal duty to support the plaintiff or minor children.

(8) Directing the abuser to engage in a batterer's intervention program or personal counseling. If available, such intervention and counseling program shall focus on alternatives to aggression. The court shall not direct the plaintiff to engage in joint counseling services with the defendant. Court-ordered and court-referred mediation of cases involving domestic violence shall be prohibited.

(9) Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

(10) Ordering the defendant to pay reasonable attorney's fees.

II. The defendant shall be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing a peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant.

III. Reconciliation after a previous order, prior to filing the current action, shall not be grounds for denying or terminating a new or existing protective order. Furthermore, the court shall not deny the plaintiff protective orders based solely on a lapse of time between an act of domestic violence and the filing of a petition, provided that the underlying act presents a credible threat to the plaintiff's current safety.

IV. No order made under this section shall supersede or affect any court order pertaining to the possession of a residence; household furniture; custody of children pursuant to RSA 169-B, 169-C, or 169-D; support or custody made under RSA 458; or custody of children of unwed parents as determined by a superior court, probate court, or family division court, or title to real or personal property.

V.(a) Mutual orders for relief shall not be granted. A foreign mutual order for relief shall only be granted full faith and credit in New Hampshire if it meets the requirements set out in RSA 173-B:13, VII.

(b) Cross orders for relief may be granted only if:

(1) The court has made specific findings that each party has committed abuse against the other; and

(2) The court cannot determine who is the primary physical aggressor.

VI. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall retain jurisdiction to enforce and collect the financial support obligation which accrued prior to the expiration of the protective order.

VII. Both parties shall be issued written copies of any orders issued by the court, and all orders shall bear the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint if there is a violation of any court order.

VIII.(a) No order issued under this chapter shall be modified other than by the court. Temporary reconciliations shall not revoke an order.

(b) If either party wishes the defendant to be excused from any provisions of an order of protection, the remedy is to petition the court for modification of such order.

(c) A defendant who is restrained from contacting the plaintiff or entering the premises of the plaintiff is prohibited from doing so even if invited by the plaintiff unless the restraining order has been modified by the court.

(d) This paragraph shall give unequivocal direction to peace officers that orders for protection are to be enforced as written and that no action by a party relieves them of the duty to enforce the order.

IX.(a) A copy of each protective order issued under this chapter shall be transmitted to the administrative office of the courts by facsimile or computer. An emergency protective order issued telephonically shall be transmitted by telephone or facsimile to the department of safety.

(b) The administrative office of the courts shall enter information regarding the protective orders into the state database which shall be made available to police and sheriff departments statewide. The department of safety shall make available information regarding emergency protective orders issued telephonically to police and sheriff departments statewide.

(c) The administrative office of the courts shall update the database upon expiration or termination of a protective order.

(d) Notwithstanding any other provision of law, the administrative office of the courts or the department of safety, its employees and agents, and law enforcement officials shall not be held criminally or civilly liable for action taken under this chapter or RSA 458:16, provided they are acting in good faith and without gross negligence, and within the scope of their duties and authority.

X.(a) Within 15 days prior to the expiration of the protective orders, the defendant may request, by motion to the court, the return of any and all firearms and ammunition and specified deadly weapons held by the law enforcement agency while the protective order was in effect. Upon receipt of such a motion, the court shall schedule a hearing no later than 15 days after the expiration of the order. The court shall provide written notice to the plaintiff who shall have the right to appear and be heard, and to the law enforcement agency which has control of the firearms, ammunition, and specified deadly weapons. The scope of the hearing shall be limited to:

(1) Establishing whether the defendant is subject to any state or federal law or court order that precludes the defendant from owning or possessing a firearm; and

(2) Under circumstances where the plaintiff has requested an extension of the protective order, whether the plaintiff has established by a preponderance of the evidence that the defendant continues to represent a credible threat to the safety of the plaintiff.

(b) If the court finds that the defendant is not subject to any state or federal law or court order precluding the ownership or possession of firearms, or if the court denies the plaintiff's request to extend the protective order, the court shall issue a written order directing the law enforcement agency to return the requested firearms, ammunition, or deadly weapon to the defendant.

(c) Law enforcement agencies shall not release firearms and ammunition and specified deadly weapons without a court order granting such release. The law enforcement agency may charge the defendant a reasonable fee for the storage of any firearms and ammunition and specified deadly weapons taken pursuant to a protective order. The fee shall not exceed the actual cost incurred by the law enforcement agency for the storage of the firearms and ammunition and specified deadly weapons. The defendant may make alternative arrangements with a federally licensed firearms dealer for the storage of firearms, at the defendant's own expense, upon approval of the court. Such firearms shall be turned over to the appropriate law enforcement agency for transfer to the storage facility. Retrieval of such firearms shall be through the law enforcement agency responsible for their transfer to the storage facility pursuant to a court order as prescribed in this paragraph.

(d) No law enforcement agency shall be held liable for alleged damage or deterioration due to storage or transportation to any firearms and ammunition and specified deadly weapons held by a law enforcement agency, so long as due care is used.

173-B:6 Guardian Ad Litem. In all proceedings under this chapter, the court may appoint a guardian ad litem to represent the interests of the children of either or both parties. The guardian ad litem may continue to serve after the final disposition of the case.

173-B:7 Minority Not a Preclusion for Services. The minority of any individual seeking assistance from any domestic violence program, as defined by RSA 173-B:1, shall not preclude provision of such requested services.

173-B:8 Notification.

I. A copy of any order made under this chapter which prohibits any person from abusing another shall be promptly transmitted to the local law enforcement agency having jurisdiction to enforce such order.

II. Temporary orders shall be promptly served on the defendant by a peace officer. Subsequent orders shall be sent to the defendant's last address of record. The defendant shall be responsible for informing the court of any changes of address. Law enforcement agencies shall establish procedures whereby a peace officer at the scene of an alleged violation of such an order may be informed of the existence and terms of such order.

III. Any court-ordered changes or modifications of the order shall be effective upon issuance of such changes or modifications, and shall be mailed or otherwise provided to the appropriate local law enforcement agency and transmitted to the department of safety within 24 hours of the entry of such changes or modifications.

173-B:9 Violation of Protective Order; Penalty.

I.(a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment. Such arrests may be made within 6 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

(b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or were threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms, ammunition, or deadly weapons until the court issues an order directing that the firearms, ammunition, or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition or deadly weapons will be relinquished.

II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.

III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter, or RSA 458:16, III, or any foreign protective order enforceable under the laws of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.

IV. Any person convicted under RSA 173-B:9, III, or who has been convicted in another jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses involving abuse may be charged with an enhanced penalty for each subsequent offense as follows:

(a) There shall be no enhanced charge under this section if the subsequent offense is a class A felony or an unclassified felony;

(b) If the subsequent offense would otherwise constitute a class B felony, it may be charged as a class A felony;

(c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony;

(d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor.

(e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.

V. A victim of domestic violence shall be entitled to all rights granted to victims of crime under RSA 21-M:8-k.

#### 173-B:10 Protection by Peace Officers.

I. Whenever any peace officer has probable cause to believe that a person has been abused, as defined in RSA 173-B:1, that officer shall use all means within reason to prevent further abuse including, but not limited to:

(a) Confiscating any deadly weapons involved in the alleged domestic abuse and any firearms and ammunition in the defendant's control, ownership, or possession.

(b) Transporting or obtaining transportation for the victim and any child, to a designated place to meet with a domestic violence counselor, local family member, or friend.

(c) Assisting the victim in removing toiletries, medication, clothing, business equipment, and any other items determined by the court.

(d) Giving the victim immediate and written notice of the rights of victims and of the remedies and services available to victims of domestic violence. The written notice shall include a statement substantially as follows:

"If you are the victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency telephonic order for protection. You may also request that the officer assist you in obtaining from your premises and curtilage, toiletries, medication, clothing, business equipment, and any other items as determined by the court, and in locating and taking you to a local safe place including, but not limited to, a designated meeting place to be used as a crisis center, a family member's or friend's residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining an ambulance. You may request a copy of the report filed by the peace officer, at no cost, from the law enforcement department."

II. Pursuant to RSA 594:10, an arrest for abuse may be made without a warrant upon probable cause, whether or not the abuse is committed in the presence of the peace officer. When the peace officer has probable cause to believe that the persons are committing or have committed abuse against each other, the officer need not arrest both persons, but should arrest the person the officer believes to be the primary physical aggressor. In determining who is the primary physical aggressor, an officer shall consider the intent of this chapter to protect the victims of domestic violence, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between these persons if that history can reasonably be obtained by the officer.

173-B:11 Notice to the Victim.

I. Notwithstanding the peace officer's obligations in RSA 173-B:9 and RSA 173-B:10, all peace officers shall give victims of abuse immediate and adequate notice of their right to go to the district or superior court of their county to file a petition asking for protective orders against the abusive person and to seek a private criminal complaint.

II. The clerk of the court shall be responsible for advising victims of their right to request that the judge issue an order which may include removing any and all firearms and ammunition in the control, ownership, or possession of the defendant and may include:

- (a) Restraining the defendant from abusing the victim.
- (b) Directing the defendant to leave and stay away from the victim's premises and curtilage.
- (c) Giving the victim custody of any minor children, denying the defendant visitation, or requiring that visitation be supervised to ensure safety for the victim and minor children.
- (d) Directing the defendant to support the victim and any minor children if the defendant has the legal responsibility to support either or both.
- (e) Restraining the defendant from contacting the victim, or entering the victim's place of employment, school, or any specified place frequented regularly by the victim or by any family or household member.
- (f) Restraining the defendant from abusing, in any way, the victim, household members, or victim's relatives, regardless of their place of residence.
- (g) Restraining the defendant from taking, converting, or damaging property in which the victim may have a legal or equitable interest.
- (h) Directing the defendant to temporarily relinquish to the peace officer specific deadly weapons in the control, ownership or possession of the defendant which may have been used, or were threatened to be used, in an incident of abuse against the victim or any member of the victim's household.

(i) Ordering the defendant to pay the victim monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

(j) Ordering the defendant to pay reasonable attorney's fees.

173-B:12 Emergency Care; Limitation and Liability. Any act or omission of any peace officer rendering emergency care or assistance to a victim of domestic violence including, but not limited to transportation, shall not impose civil liability upon the peace officer or the peace officer's supervisors or employer if the care or assistance is rendered in good faith, unless the act or omission is a result of gross negligence or willful misconduct.

173-B:13 Orders Enforceable.

I. Any protective order issued under this chapter shall be effective throughout the state.

II. Any protective order issued by any other state, tribal, or territorial court related to domestic or family violence, including an ex parte order, shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or territory, and the person against whom the order was made was given reasonable notice and opportunity to be heard. There shall be a presumption of validity where an order appears facially valid.

III. Any valid protective order, as defined in paragraph II, shall be accorded full faith and credit throughout the state.

IV. A person entitled to protection under a foreign protective order, as defined in paragraph II, may file such order in any district or superior court by filing with the court a certified copy of the order. Such person shall swear under oath in an affidavit to the best of such person's knowledge that the order is presently in effect as written. Such filing shall be without fee or cost.

The clerk of the district or superior court shall forward such order to the state police who shall enter such order in the state database. Such filing shall not be a precondition to arrest or enforcement of a foreign order.

V. A peace officer may rely upon a copy of any protective order issued under this chapter, or under RSA 458, or upon a copy of a foreign protective order, as defined in this section, which has been provided to the peace officer by any source.

VI. Law enforcement personnel may rely on the statement of the person protected by the order that the order remains in effect as written.

VII. A mutual protective order issued by any other state, tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection relating to domestic or family violence shall be accorded full faith and credit only if:

(a) A cross or counter petition, complaint or other written pleading was filed seeking such protection order; and

(b) The court made specific findings of domestic or family violence by both parties and that each party was entitled to such order.

#### 173-B:14 Orders of Support.

I. The superior court, in any action determining the obligation of the obligor to support the obligee or the parties' minor children including, but not limited to, actions for divorce or custody pursuant to RSA 458; paternity pursuant to RSA 168-A; child support pursuant to RSA 161-B, RSA 161-C, and RSA 458; reimbursement of public assistance pursuant to RSA 161-C; and the uniform interstate family support act pursuant to RSA 546-B; shall take judicial notice of any support obligation established pursuant to this chapter upon the filing of a certified copy of the district court order in the superior court by:

(a) Either party to the domestic violence proceeding.

(b) The department.

(c) Any other agency or person legally entitled to enforce the obligation of support for the minor children.

II. Any superior court order for financial support shall include enforcement of any duly filed district court order from the date of filing forward, and shall include enforcement of any arrears which have been:

(a) Reduced to judgment by the district court;

(b) Documented by the department pursuant to an order to make payable through the department; or

(c) Documented by the obligee in a notarized statement, provided that the obligor shall have 30 days to object and request a hearing on the issue of arrears.

173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence programs is established. The sole purpose of the fund shall be to provide revenues for the domestic violence program established in RSA 173-B:16, and shall not be available for any other purpose. The state treasurer shall deposit all fees received by the department under RSA 457:29 in the fund. All moneys deposited in the fund shall be continually appropriated for the purposes of the domestic violence grant program and shall not lapse.

173-B:16 Grant Program Established. A grant program is established within the department for the allocation of grant money to New Hampshire programs which provide aid and assistance to victims of domestic violence. The grant program shall be funded by the fund established under RSA 173-B:15.

#### 173-B:17 Duties of the Commissioner. The commissioner shall:

I. Administer the grant program established in RSA 173-B:16 through a coordinator. The costs of administration shall be covered by the fund, and shall not exceed 2 percent.

II. Adopt rules, under RSA 541-A, relative to procedures under which interested New Hampshire programs may apply for funding.

III. Appoint the coordinator.

IV. Enter into a contract with the coordinator, subject to the approval of the governor and council.

173-B:18 Selection of Coordinator. The commissioner shall be satisfied that the organization or agency chosen as the coordinator shall be qualified to provide at least those services listed in RSA 173-B:20.

173-B:19 Compensation for Coordinating Domestic Violence Grant Program. Compensation for the functions and duties of coordinating the program shall not exceed 30 percent of the total revenues of the fund.

173-B:20 Duties of Coordinator. The coordinator shall be a statewide organization or agency which has demonstrated its ability, at a minimum, to:

I. Serve as a clearinghouse for information relating to domestic violence.

II. Conduct educational programs on domestic violence, both for the general public and for specialized interest groups, such as law enforcement and medical personnel.

III. Provide technical assistance to local domestic violence programs in the areas of budget, management, and other such skills.

IV. Enlist the assistance of public and voluntary health, education, welfare, legal, and rehabilitation agencies in a concerted effort to prevent domestic violence.

V. Provide coordination and supervision of programs.

VI. Assist the commissioner in the administration of the fund.

VII. Publicize the availability of the fund and the date by which applications must be received, and act on all applications within 45 days of the application deadline.

VIII. Notify each appropriate agency or organization in writing whether or not it is eligible for funds, and specify the amount available.

IX. Publicize the availability of domestic violence programs to the public.

X. Provide training for court advocates and social services agency advocates to accompany domestic violence victims.

XI. Apply for and receive any federal funds for which this program may be eligible.

XII. Ensure, as far as possible, that grants are awarded on a reasonable geographical basis throughout the state.

XIII. Obtain and evaluate reports from each grantee, at least annually, on its operations under this chapter.

173-B:21 Criteria for Selection of Direct Service Grantees. The coordinator shall use all of the following criteria for selecting grantees:

I. A grantee's ability to provide direct services to victims of domestic violence as follows:

(a) Shelter or safe homes on a 24-hours-a-day, 7-days-a-week basis.

(b) A 24-hours-a-day, 7-days-a-week switchboard for crisis calls.

(c) Temporary housing and food facilities.

(d) Psychological support and peer counseling.

(e) Referrals to existing services in the community and follow-up on the outcome of the referrals.

(f) A drop-in center to assist victims of domestic violence who have not yet made the decision to leave their homes, or who have found other shelter but who have a need for support services.

(g) Arrangements for school-aged children to continue their education during their stay at the center.

(h) Emergency transportation to a shelter and, when appropriate, arrangements with local law enforcement for assistance in providing such transportation.

(i) Trained court advocates and social service agency advocates to accompany domestic violence victims.

II. A grantee shall be a private or private nonprofit organization, or a public agency.

III. A grantee shall demonstrate the need for the services proposed by the program.

IV. A grantee shall establish its ability to secure community support and its efficiency of administration.

V. A grantee shall receive at least 50 percent of its funding from sources other than the fund, including town, city, county, federal, or private sources. Contributions in kind, whether material, commodities, transportation, office space, or personal services, may be evaluated and counted as part of the required non-state funding.

173-B:22 Confidentiality. All persons who are employed, appointed, or who volunteer under this chapter shall maintain confidentiality with regard to persons served by the coordinator and grantees and files kept by the coordinator and grantees, except for reasons of safety for other shelter residents or staff.



173-B:23 Referral. Where centers are available, any law enforcement officer who investigates an alleged incident of domestic violence shall advise the person subject to such violence of the availability of programs from which that person may receive services.

173-B:24 Rights Reserved. A person shall not be prejudiced by the court having jurisdiction under RSA 173-B for having left the residence or household with or without the children to avoid further domestic violence.

173-B:25 Severability. If any provision of this chapter or the application of such provision to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

4 Cross Reference Revised; Definition of "Domestic Violence Center." Amend RSA 173-C:1, II to read as follows:

II. "Domestic violence center" means any organization or agency which would qualify as a direct service grantee under RSA [~~173-B:19~~] **173-B:21**.

5 Cross Reference Revised; Marriage License Fees. Amend RSA 457:29 to read as follows:

457:29 Marriage License Fee. The fee for the marriage license shall be \$45 to be paid by the parties entering into the marriage. The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA [~~173-B:13~~] **173-B:15**. The clerk shall retain the remaining \$7 as [~~his~~] **the** fee for making the records of notice, issuing the certificate of marriage, and forwarding the \$38 portion of the marriage license fee.

6 Cross Reference Revised; Preparing Checklists. Amend RSA 654:25 to read as follows:

654:25 Preparing Checklist. The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which will be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, address and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Every checklist used at any state election shall contain as a minimum the full name, address, and mailing address if different, and party affiliation, if any, of each voter on the checklist. The address and mailing address, if different, of a voter shall not appear on the checklist at the request of the voter if the voter presents to the supervisors of the checklist a valid protective order pursuant to RSA [~~173-B:4~~] **173-B**. A voter who presents a valid protective order may, however, request that a mailing address, if different, be maintained on the checklist. If a voter who presents a valid protective order requests that no address be maintained on the checklist, the supervisors of the checklist may nonetheless maintain a designation on the checklist which indicates that no address is required for that voter.

7 Effective Date. This act shall take effect January 1, 2000.

Adopted.

Rep. Arnold offered a floor amendment (1333h).

### Floor Amendment (1333h)

Amend RSA 173-B:5, VIII (c) as inserted by section 3 of the bill by replacing it with the following:

(c) A defendant who is restrained from contacting the plaintiff or entering the premises of the plaintiff is prohibited from doing so even if invited by the plaintiff unless the restraining order has been modified by the court. A plaintiff shall be prohibited from inviting the defendant to contact the plaintiff or to enter the plaintiff's premises unless the restraining order has been modified by the court. Violations of this subparagraph by either a plaintiff or defendant shall subject either party to the penalty provisions in paragraph VII of this section.

Amend RSA 173-B:5, X (c) as inserted by section 3 of the bill by replacing it with the following:

(c) Law enforcement agencies shall not release firearms and ammunition and specified deadly weapons without a court order granting such release. Possession of a defendant's firearms, ammunition, and specified deadly weapons, pursuant to this chapter, shall be taken by the local law enforcement agency in the city or town in which the defendant resides. Such agency shall be responsible for the safe and proper storage of a defendant's firearms, ammunition, and specified deadly weapons,

and any costs related thereto. If a local law enforcement agency is unable to provide such safe and proper storage, the state police shall provide for their safe and proper storage, including any costs related thereto. Retrieval of such firearms shall be through the law enforcement agency responsible for their safe and proper storage pursuant to a court order as prescribed in this paragraph.

Rep. Arnold spoke in favor.

Rep. Knowles spoke against and yielded to questions.

Rep. Welch spoke against.

### MOTION TO SPECIAL ORDER

Rep. Boyce moved that **HB 722**, revising the law relative to protection of persons from domestic violence, be made a Special Order for the end of the day's calendar.

Rep. Donald White requested a roll call; sufficiently seconded.

### YEAS 145 NAYS 190

#### YEAS 145

#### BELKNAP

Bartlett, Gordon  
Rosen, Ralph

Boyce, Robert  
Thomas, John

Czech, Stanley  
Turner, Robert

Johnson, James  
Wendelboe, Francine

#### CARROLL

Babson, David, Jr  
Lyman, L Randy  
Torressen, Gary

Bradley, Jeb  
Patten, Betsey

Chandler, Gene  
Philbrick, Donald

Howard, Godfrey  
Sullivan, P Judith

#### CHESHIRE

Blaisdell, Michael  
Pratt, John  
Zerba, Roger

Hunt, John  
Robertson, Timothy

Manning, Joseph  
Royce, H Charles

McGuirk, Paul  
Smith, Edwin

#### COOS

Merrill, Gerald  
Woodward, David

Pratt, Leighton

Rodrigue, Robert

Tholl, John, Jr

#### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
Mirski, Paul  
Weber, Phil

Alger, John  
Gilman, G Michael  
Picconi, Al

Brothers, Richard  
Hall, David  
Scanlan, David

Densmore, Jessica  
Harmon, Hobart  
Ward, Brien

#### HILLSBOROUGH

Alukonis, David  
Calawa, Leon, Jr  
Dalianis, Griffin  
Goulet, Maurice  
Holley, Sylvia  
Lefebvre, Roland  
Martel, Andre  
Milligan, Robert  
Pepino, Leo  
Sargent, Maxwell  
Wall, Nancy

Arnold, Thomas, Jr  
Carlson, Donald  
Daniels, Gary  
Hall, Betty  
Kurk, Neal  
Leonard, Peter  
Martin, Mary  
O'Hearn, Jane  
Peterson, Andrew  
Simon, Anthony  
White, Donald

Belvin, William  
Christiansen, Lars  
Desmarais, Vivian  
Hansen, Herbert  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonough-Wallace, Alice  
Ouellette, Dean  
Reeves, Sandra  
Tate, Joan  
Withee, Dennis

Brundige, Robert  
Clegg, Robert, Jr  
Emerton, Lawrence  
Herman, Richard  
LaRose, Richard  
MacGillivray, Jeffrey  
McGough, Tim  
Pappas, Marc  
Rowe, Robert  
Thulander, O Alan

#### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Marple, Richard  
St Cyr, Gerard

Asplund, Bronwyn  
Langer, Ray  
Marshall, Kenneth  
Whalley, Michael

Chase, George  
Lavoie, Gerard  
Nichols, Avis

Hoadley, Elizabeth  
Leber, William  
Rodd, Beth

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Clark, Vivian
Cooney, Richard	Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony
Dunham, Vivian	Flanagan, Natalie	Flanders, David	Gibbons, Paul
Gleason, John	Grant, Kenneth	Henderson, Warren	Hutchinson, Karen
Letourneau, Robert	Major, Norman	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Noyes, Richard	Packard, Sherman	Priestley, Anne
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Sapareto, Frank
Stickney, Nancy	Varrell, Thomas	Verani, Giovanni	Weyler, Kenneth
Zolla, William			

**STRAFFORD**

Bickford, David	Cossette, Larry	Keans, Sandra	McKinley, Robert
Pelletier, Arthur	Torr, Franklin	Vincent, Francis	

**SULLIVAN**

Cloutier, John	Kibbey, David	Leone, Richard	Phinizy, James
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**NAYS 190****BELKNAP**

Boriso, Thomas	Holbrook, Robert	Millham, Alida	Pilliod, James
Rice, Thomas	Wood, Jane		

**CARROLL**

Dickinson, Howard	Kenney, Joseph	MacDonald, Kenneth	Mock, Henry
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**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Lerandeau, Alfred
Lynch, Margaret	Meader, David	Mitchell, McKim	Richardson, Barbara
Riley, William	Roberts, William	Rose, William	Russell, Ronald

**COOS**

Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
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**GRAFTON**

Almy, Susan	Cobb, John	Copenhaver, Marion	Dudley, Terri
Guest, Robert	Marshall, Gene	Phinney, William	

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Bergeron, Lucien	Bergin, Peter
Bruno, Pierre	Buckley, Raymond	Burkush, James	Chabot, Robert
Cote, David	Coughlin, Pamela	Craig, James	Curran, James
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A	Durham, Susan
Dwyer, Paul, Sr	Dyer, Merton	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Herman, Keith	Jean, Claudette	Jean, Loren	Johnson, Lionel
Keye, Harvey	Kony, Christine	LaPorte, George	Lasky, Bette
Leishman, Peter	Lessard, Rudy	Lynde, Harold	McCarthy, William
McCarty, Winston	McDonald, James, Sr	Melcher, Harold	Mercer, Robert
Messier, Irene	Moran, Edward	Moriarty, Mary	Murphy, Robert
O'Connell, Timothy	Reidy, Frank	Sarette, John	Turgeon, Roland
Vaillancourt, Steve	White, John		

**MERRIMACK**

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Lockwood, Priscilla  
Potter, Frances  
Virtue, Carolyn

Brewster, Richard  
Feuerstein, Martin  
Hager, Elizabeth  
Maxfield, Roy  
Poulin, Dave  
Wallin, Jean

Crosby, Toni  
Fortnam, Janet  
Jacobson, Alf  
Moore, Carol  
Reardon, Tara  
Whittemore, James

Daneault, Gabriel  
Fraser, Marilyn  
Larrabee, David, Sr  
Owen, Derek  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Bishop, Franklin  
Dearborn, Bruce  
Flanders, John, Sr  
Hutchinson, Rebecca  
Kobel, Rudolph  
McKinney, Betsy  
Pitts, Jacqueline  
Ruffner, Walter  
Stone, Joseph  
Weare, Everett

Case, Margaret  
Dolan, Richard  
Francoeur, Sheila  
Johnson, Robert  
Langley, Jane  
Norelli, Terie  
Putnam, Ed, II  
Schanda, Frank  
Stritch, C Donald  
Welch, David

Christie, Andrew, Jr  
Downing, Michael  
Griffin, Mary  
Kane, Cecelia  
Langone, John  
O'Neil, Michael  
Reardon, Neil  
Shelton, Richard  
Tufts, J Arthur  
Whittier, John

Clark, Martha  
Fesh, Robert  
Hamel, Albert  
Kelley, Jane  
Lovejoy, Marian  
Pantelakos, Laura  
Rubin, George  
Shultis, Elizabeth  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Heon, Richard  
Lundborn, Raymond  
Snyder, Clair  
Twardus, Joseph

Brennan, William  
DeChane, Marlene  
Kaen, Naida  
Rogers, Rose Marie  
Spang, Judith  
Wall, Janet

Brown, George  
Dunlap, Patricia  
Knowles, William  
Rollo, Michael  
Spear, Barbara  
Woods, Phyllis

Brown, Julie  
Estabrook, Iris  
Lent, Donald  
Smith, Marjorie  
Taylor, Kathleen

**SULLIVAN**

Allison, David  
Jones, Constance  
Wiggins, Celestine

Burling, Peter  
McIntyre, Sara

Donovan, Thomas, Jr  
Robb-Theroux, Amy

Flint, Gordon, Sr  
Tuthill, John

and the motion failed.

Rep. Boyce requested that the question be divided. The Speaker ruled the question was divisible. The question now being the adoption of section 173-B:5, VIII (c) of floor amendment (1333h). On a division vote, 114 members having voted in the affirmative and 218 in the negative, section 173-B:5, VIII (c), failed.

The question now being the adoption of section 173-B:5, X (c) of floor amendment (1333h). Rep. Wendelboe requested a roll call; sufficiently seconded.

**YEAS 107 NAYS 231****YEAS 107****BELKNAP**

Boyce, Robert  
Rice, Thomas

Czech, Stanley  
Rosen, Ralph

Johnson, James  
Wendelboe, Francine

Pilliod, James

**CARROLL**

Babson, David, Jr  
Philbrick, Donald

Dickinson, Howard

Howard, Godfrey

Mock, Henry

**CHESHIRE**

Blaisdell, Michael  
Roberts, William

Manning, Joseph  
Rose, William

Pratt, John  
Royce, H Charles

Riley, William  
Zerba, Roger

**COOS**

Merrill, Gerald

Woodward, David

**GRAFTON**Akins, Ralph  
Harmon, HobartAlger, John  
Scanlan, DavidBrothers, Richard  
Ward, BrienGilman, G Michael  
Weber, Phil**HILLSBOROUGH**Arnold, Thomas, Jr  
Brundige, Robert  
Desrosiers, William  
Ford, Nancy  
Herman, Richard  
L'Heureux, Robert  
Martel, Andre  
Peterson, Andrew  
White, DonaldBatula, Peter  
Carlson, Donald  
Dokmo, Cynthia  
Franks, Suzan  
Holley, Sylvia  
LaRose, Richard  
McDonald, James, Sr  
Rowe, Robert  
Withee, DennisBelvin, William  
Christiansen, Lars  
Durham, Susan  
Haettenschwiller, Alphonse  
Jean, Loren  
Lefebvre, Roland  
O'Hearn, Jane  
Simon, AnthonyBergin, Peter  
Daniels, Gary  
Emerton, Lawrence  
Hall, Betty  
Kurk, Neal  
Leishman, Peter  
Pepino, Leo  
Wall, Nancy**MERRIMACK**Anderson, Eric  
Kennedy, Richard  
St Cyr, GerardBrewster, Richard  
Langer, Ray  
Whittemore, JamesFeuerstein, Martin  
Leber, WilliamJacobson, Alf  
Marple, Richard**ROCKINGHAM**Arndt, Janet  
Dearborn, Bruce  
Francoeur, Sheila  
Letourneau, Robert  
Noyes, Richard  
Rubin, George  
Verani, GiovanniClark, Vivian  
Downing, Michael  
Gleason, John  
Lovejoy, Marian  
Packard, Sherman  
Stritch, C DonaldCox, Russell  
Dunham, Vivian  
Griffin, Mary  
Major, Norman  
Quandt, Marshall  
Varrell, ThomasDalrymple, Janeen  
Flanagan, Natalie  
Hutchinson, Karen  
Mikowski, Walter  
Reardon, Neil  
Vaughn, Charles**STRAFFORD**Bickford, David  
McKinley, RobertCossette, Larry  
Vincent, Francis

Gilmore, Gary

Keans, Sandra

**SULLIVAN**

Leone, Richard

Phinizy, James

**NAYS 231****BELKNAP**Bartlett, Gordon  
Thomas, JohnBoriso, Thomas  
Turner, RobertHolbrook, Robert  
Wood, Jane

Millham, Alida

**CARROLL**Bradley, Jeb  
MacDonald, KennethChandler, Gene  
Patten, BetseyKenney, Joseph  
Sullivan, P JudithLyman, L Randy  
Torresen, Gary**CHESHIRE**Avery, Stephen  
Lerandeau, Alfred  
Meador, David  
Russell, RonaldBatchelder, Robert  
Lynch, Margaret  
Mitchell, McKim  
Smith, EdwinBurnham, Daniel  
Lynott, Margaret  
Richardson, BarbaraHunt, John  
McGuirk, Paul  
Robertson, Timothy**COOS**Davis, Perley  
Pratt, LeightonGlimes, Sara  
Rodrigue, RobertGuay, Lawrence  
Tholl, John, Jr

Hawkinson, Marie

**GRAFTON**

Almy, Susan  
Dudley, Terri  
Marshall, Gene

Cobb, John  
Eaton, Stephanie  
Mirski, Paul

Copenhaver, Marion  
Guest, Robert  
Phinney, William

Densmore, Jessica  
Hall, David  
Picconi, Al

**HILLSBOROUGH**

Ahern, Richard  
Baroody, Benjamin  
Buckley, Raymond  
Clegg, Robert, Jr  
Curran, James  
Dwyer, Paul, Sr  
Fletcher, Richard  
Gagnon, Paul  
Gorman, Mary  
Jean, Claudette  
LaPorte, George  
Lozeau, Donnalee  
McCarthy, William  
Melcher, Robert  
Moran, Edward  
O'Connell, Timothy  
Reidy, Frank  
Thulander, O Alan

Alukonis, David  
Beaupre, Roland  
Burkush, James  
Cote, David  
Dalianis, Griffin  
Dyer, Merton  
Flora, Kathleen  
Garrish, Linda  
Goulet, Maurice  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
McCarty, Winston  
Mercer, Robert  
Moriarty, Mary  
Ouellette, Dean  
Sarette, John  
Turgeon, Roland

Andrews, Frederick  
Bergeron, Lucien  
Calawa, Leon, Jr  
Coughlin, Pamela  
Desmarais, Vivian  
Fenton, James  
Foster, Linda  
Ginsburg, Ruth  
Hansen, Herbert  
Keye, Harvey  
Leonard, Peter  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Messier, Irene  
Murphy, Robert  
Pappas, Marc  
Sargent, Maxwell  
Vaillancourt, Steve

Arthur, Rose  
Bruno, Pierre  
Chabot, Robert  
Craig, James  
Drabinowicz, A  
Fields, Dennis  
Gagnon, Eugene  
Goley, Jeffrey  
Herman, Keith  
Konys, Christine  
Lessard, Rudy  
Martin, Mary  
McGough, Tim  
Milligan, Robert  
Nolan-Piteri, Dawn  
Reeves, Sandra  
Tate, Joan  
White, John

**MERRIMACK**

Asplund, Bronwyn  
Daneault, Gabriel  
French, Barbara  
Lavoie, Gerard  
Moore, Carol  
Poulin, Dave  
Virtue, Carolyn

Bouchard, Candace  
Davis, Francis  
Hager, Elizabeth  
Lockwood, Priscilla  
Nichols, Avis  
Reardon, Tara  
Wallin, Jean

Chase, George  
Fortnam, Janet  
Hoadley, Elizabeth  
Marshall, Kenneth  
Owen, Derek  
Rodd, Beth  
Whalley, Michael

Crosby, Toni  
Fraser, Marilyn  
Larrabee, David, Sr  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Beaulieu, Jon  
Clark, Martha  
Dolan, Richard  
Gibbons, Paul  
Hutchinson, Rebecca  
Kobel, Rudolph  
Moore, Benjamin  
Pantelakos, Laura  
Rabideau, Marie  
Schanda, Frank  
Stone, Joseph  
Weyler, Kenneth

Belanger, Ronald  
Cooney, Richard  
Fesh, Robert  
Grant, Kenneth  
Johnson, Robert  
Langley, Jane  
Morse, Charles  
Pitts, Jacqueline  
Raynowska, Bernard  
Shelton, Richard  
Tufts, J Arthur  
Whittier, John

Bishop, Franklin  
Corbin, C David  
Flanders, David  
Hamel, Albert  
Kane, Cecelia  
Langone, John  
Norelli, Terie  
Priestley, Anne  
Ruffner, Walter  
Shultis, Elizabeth  
Weare, Everett  
Zolla, William

Case, Margaret  
DiFruscia, Anthony  
Flanders, John, Sr  
Henderson, Warren  
Kelley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Putnam, Ed, II  
Sapareto, Frank  
Stickney, Nancy  
Welch, David

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Heon, Richard  
Lundborn, Raymond  
Smith, Marjorie  
Taylor, Kathleen  
Woods, Phyllis

Brennan, William  
DeChane, Marlene  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin

Brown, George  
Dunlap, Patricia  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph

Brown, Julie  
Estabrook, Iris  
Lent, Donald  
Rollo, Michael  
Spear, Barbara  
Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	McIntyre, Sara
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	

and section 173-B:5, X (c) failed.

The question now being the adoption of the report.

Rep. Weber spoke against.

Rep. Kennedy spoke against and yielded to questions.

Reps. Loren Jean, Flora and Welch spoke in favor.

Rep. Weber requested a roll call; sufficiently seconded.

**YEAS 277 NAYS 70****YEAS 277****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Johnson, James
Millham, Alida	Pilliod, James	Salatiello, Thomas	Thomas, John
Turner, Robert	Wood, Jane		

**CARROLL**

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Kenney, Joseph
Lyman, L Randy	MacDonald, Kenneth	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Hunt, John
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger

**COQS**

Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert	Tholl, John, Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
Guest, Robert	Harmon, Hobart	Johnson, Gary	Marshall, Gene
Picconi, Al	Ward, Brien		

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Arnold, Thomas, Jr	Arthur, Rose
Baroody, Benjamin	Belvin, William	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Buckley, Raymond	Burkush, James	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Clegg, Robert, Jr	Cote, David
Coughlin, Pamela	Craig, James	Curran, James	Daigle, Robert
Dalianis, Griffin	Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan
Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fields, Dennis	Flora, Kathleen	Ford, Nancy	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Herman, Richard	Holley, Sylvia	Jean, Claudette
Jean, Loren	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	LaRose, Richard	Lasky, Bette	Leishman, Peter

Leonard, Peter  
 McCarthy, William  
 Melcher, Harold  
 Moran, Edward  
 O'Connell, Timothy  
 Peterson, Andrew  
 Sarette, John  
 Thulander, O Alan  
 White, John

Lessard, Rudy  
 McCarty, Winston  
 Mercer, Robert  
 Moriarty, Mary  
 O'Hearn, Jane  
 Reeves, Sandra  
 Sargent, Maxwell  
 Turgeon, Roland  
 Withee, Dennis

Lozeau, Donnalee  
 McDonald, James, Sr  
 Messier, Irene  
 Murphy, Robert  
 Ouellette, Dean  
 Reidy, Frank  
 Simon, Anthony  
 Vaillancourt, Steve

Lynde, Harold  
 McDonough-Wallace, Alice  
 Milligan, Robert  
 Nolan-Piteri, Dawn  
 Pappas, Marc  
 Rowe, Robert  
 Tate, Joan  
 Wall, Nancy

### MERRIMACK

Anderson, Eric  
 Chase, George  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Lavoie, Gerard  
 Moore, Carol  
 Poulin, Dave  
 St Cyr, Gerard  
 Whalley, Michael

Asplund, Bronwyn  
 Crosby, Toni  
 Fortnam, Janet  
 Hoadley, Elizabeth  
 Leber, William  
 Nichols, Avis  
 Reardon, Tara  
 Virtue, Carolyn  
 Whittemore, James

Bouchard, Candace  
 Daneault, Gabriel  
 Fraser, Marilyn  
 Jacobson, Alf  
 Marshall, Kenneth  
 Owen, Derek  
 Rodd, Beth  
 Wallin, Jean  
 Yeaton, Charles

Brewster, Richard  
 Davis, Francis  
 French, Barbara  
 Larrabee, David, Sr  
 Maxfield, Roy  
 Potter, Frances  
 Seldin, Gloria  
 Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
 Christie, Andrew, Jr  
 Cox, Russell  
 Dolan, Richard  
 Flanagan, Natalie  
 Gleason, John  
 Hutchinson, Karen  
 Kelley, Jane  
 Major, Norman  
 O'Neil, Michael  
 Reardon, Neil  
 Shultis, Elizabeth  
 Vaughn, Charles  
 Zolla, William

Belanger, Ronald  
 Clark, Martha  
 Dalrymple, Janeen  
 Downing, Michael  
 Flanders, David  
 Griffin, Mary  
 Hutchinson, Rebecca  
 Langley, Jane  
 McKinney, Betsy  
 Pantelakos, Laura  
 Ruffner, Walter  
 Splaine, James  
 Weare, Everett

Bishop, Franklin  
 Clark, Vivian  
 Dearborn, Bruce  
 Dunham, Vivian  
 Flanders, John, Sr  
 Hamel, Albert  
 Johnson, Robert  
 Langone, John  
 Norelli, Terie  
 Pitts, Jacqueline  
 Schanda, Frank  
 Stone, Joseph  
 Welch, David

Case, Margaret  
 Cooney, Richard  
 DiFruscia, Anthony  
 Fesh, Robert  
 Francoeur, Sheila  
 Henderson, Warren  
 Kane, Cecelia  
 Lovejoy, Marian  
 Noyes, Richard  
 Priestley, Anne  
 Shelton, Richard  
 Tufts, J Arthur  
 Whittier, John

### STRAFFORD

Berube, Roger  
 Brown, Julie  
 Dunlap, Patricia  
 Heon, Richard  
 Lent, Donald  
 Rollo, Michael  
 Spear, Barbara  
 Wall, Janet

Bickford, David  
 Callaghan, Frank  
 Estabrook, Iris  
 Kaen, Naida  
 Lundborn, Raymond  
 Smith, Marjorie  
 Taylor, Kathleen  
 Woods, Phyllis

Brennan, William  
 Cossette, Larry  
 Gilmore, Gary  
 Keans, Sandra  
 Pelletier, Arthur  
 Snyder, Clair  
 Torr, Franklin

Brown, George  
 DeChane, Marlene  
 Grassie, Anne  
 Knowles, William  
 Rogers, Rose Marie  
 Spang, Judith  
 Twardus, Joseph

### SULLIVAN

Allison, David  
 Flint, Gordon, Sr  
 Robb-Theroux, Amy

Burling, Peter  
 Jones, Constance  
 Wiggins, Celestine

Cloutier, John  
 Leone, Richard  
 Young, David

Donovan, Thomas, Jr  
 McIntyre, Sara

### NAYS 70

### BELKNAP

Boyce, Robert  
 Wendelboe, Francine

Holbrook, Robert

Rice, Thomas

Rosen, Ralph



**CARROLL**

Dickinson, Howard	Howard, Godfrey	Mock, Henry	Torresen, Gary
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**CHESHIRE**

Blaisdell, Michael	Roberts, William
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**COOS**

None

**GRAFTON**

Brothers, Richard	Gilman, G Michael	Hall, David	Hinman, Harry
Mirski, Paul	Phinney, William	Scanlan, David	Weber, Phil

**HILLSBOROUGH**

Andrews, Frederick	Batula, Peter	Beaupre, Roland	Bruno, Pierre
Christiansen, Lars	Daniels, Gary	Desrosiers, William	Drabinowicz, A
Fletcher, Richard	Gagnon, Paul	Goley, Jeffrey	Herman, Keith
L'Heureux, Robert	LaPorte, George	Lefebvre, Roland	MacGillivray, Jeffrey
Martel, Andre	Martin, Mary	McGough, Tim	Pepino, Leo
White, Donald			

**MERRIMACK**

Kennedy, Richard	Langer, Ray	Lockwood, Priscilla	Marple, Richard
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**ROCKINGHAM**

Beaulieu, Jon	Corbin, C David	Gibbons, Paul	Grant, Kenneth
Kobel, Rudolph	Letourneau, Robert	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Packard, Sherman	Putnam, Ed, II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Rubin, George	Sapareto, Frank
Stickney, Nancy	Stritch, C Donald	Varrell, Thomas	Verani, Giovanni
Weyler, Kenneth			

**STRAFFORD**

McKinley, Robert	Vincent, Francis
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**SULLIVAN**

Kibbey, David	Phinzy, James	Tuthill, John
---------------	---------------	---------------

and the report was adopted.

Ordered to third reading.

Rep. Dean Ouellette voted Yea and intended to vote Nay.

**PROTESTS**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Weber requested that his protest be entered on the Journal.

Isn't it a brave new world. It's another big day for "Uncle Joe" and all who love him.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Boyce requested that his protest be entered on the Journal.

I believe that both the existing law as well as HB 722 are contrary to both the New Hampshire Constitution and the United States Constitution. Further, I know that a similar federal statute has been ruled by a federal court in Texas to be unconstitutional. Therefor, I have voted against HB 722 as amended even though the current statute is unconstitutional.

**BILLS REMOVED FROM CONSENT CALENDAR ON MAY 13, 1999 (CONT'D.)**

**HB 617-FN-A-L**, relative to funding and monitoring seacoast harbor issues. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: This bill would have changed how gasoline ("road tolls") collected from boats (about \$1.7 million per year) but not claimed as refunds (only about \$100,000

per year) is spent. Currently half of this \$1.6 million per year is placed in the general fund. The bill would have moved this \$800,000 per year to a harbor dredging and pier maintenance fund. However, since only a tiny fraction of the boats which generate these funds are registered along the seacoast, where this fund would be spent, the committee did not agree with this diversion from the general fund. Re-referring this bill will give the committee time to carefully examine appropriate allocation of these funds. Vote 23-0.

Rep. Leber moved Re-commit to Committee and spoke in favor.

Rep. Kurk spoke in favor.

Adopted.

**HCR 11**, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds. RE-REFER TO COMMITTEE

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: The Committee needed additional time and information to properly evaluate this bill for consideration. Vote 15-0.

Rep. Bradley moved Re-commit to Committee and spoke in favor.

Rep. Tufts spoke in favor.

Adopted.

**HB 673-FN-A**, establishing special number plates for emergency medical service providers and firefighters and continually appropriating fees charged for such plates to certain funds. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. for Transportation: This bill set out to accomplish two basic goals: 1) make the private vehicles of firefighters and emergency medical technicians recognizable; 2) to raise money for the Firefighter Workers Compensation Insurance Premium Fund. There are already in place ways firefighters can equip their vehicles to identify them with flashing red lights and/or sirens. Additionally, they may attach a plaque to their plates that identify them as a firefighter or EMT. The committee felt the amount of money that this may raise would fall short of solving the problem the sponsor was concerned about and wanted to address. The New Hampshire Fire Chief has concerns on the administration process of these proposed plates. Who would be responsible for the plates on unauthorized vehicles? A representative from the Compensation Funds of NH raised serious concerns with the language not being consistent with how towns now self-insure. The Department of Safety also opposed this bill and the committee felt that there were many problems. Vote 16-0.

Rep. McGough spoke against.

Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 512**, relative to limiting work hours for 16 and 17-year old persons enrolled in school, removed by Rep. Pitts.

Consent Calendar adopted.

**HB 443**, allowing certain beverage manufacturers to distribute products directly to retailers. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Commerce: This bill will allow brew pubs and beverage manufacturers who produce less than 15,000 barrels of beer annually and who have less than 5,000 barrels sold in-state per year, to self-distribute their products directly to retailers. It also outlines the reporting process and assures that the State will get all fees and taxes on these products. This bill has the support of the craft brewers and the beer distributors. Vote 14-0.

### Amendment (0939h)

Amend the bill by replacing all after the enacting clause with the following:

1 Alcoholic Beverages; Liquor Licenses and Fees; Beverage Manufacturer License; Direct Distribution. Amend RSA 178:10, VI to read as follows:

VI. Each beverage manufacturer shall have the right to transport the beverage they manufacture in barrels, kegs, bottles, or other closed containers *to New Hampshire licensed wholesalers or retailers for resale consistent with paragraph VII and* to the state border for transportation and sale outside the state to holders of a United States basic permit issued under the federal Alcoholic Administration Act.

VII. A holder of a beverage manufacturer license who manufactures 15,000 barrels or less during its licensing period may elect to distribute its beverages directly to retail licensees and/or to distribute its beverages pursuant to RSA 180, provided that total in-state direct retail sales do not exceed 5,000 barrels.

2 Alcoholic Beverages; Liquor Licenses and Fees; Brew Pub License; Direct Distribution. Amend RSA 178:10-a to read as follows:

178:10-a Brew Pub License.

I. The manufacture of beer, not to exceed 2,500 barrels annually, shall be permitted under rules adopted by the commission under RSA 541-A and under such terms as are not inconsistent with the provisions of the Constitution of the United States or federal law. No beer manufactured in this state by any brew pub shall be sold or delivered in this state in any manner which is inconsistent with the provisions of this title.

II. Brew pub licenses shall authorize the licensee to manufacture and sell beer to individuals for on-sale consumption, for off-sale consumption and additionally to sell the beer it manufactures to wholesale distributors for distribution within the state and to transport the beer the brew pub manufactures *to New Hampshire licensed retailers or wholesalers for resale or* to the state line for sale outside the state. A brew pub, as a functional part of its premises, shall maintain a full service restaurant and may subsequently serve beverage and liquor as permitted by RSA 178:19, II(a)(1) and RSA 178:20, V(q). Off-sales of beer brewed by a brew pub, not to exceed 180 fluid ounces per person per day shall be made in containers ordinary and customary to the industry which shall be approved by the commission.

III. Each brew pub shall maintain records showing all transactions associated with the business and file reports with the commission on or before the tenth day of the following month, which shall indicate the sales made under paragraph II.

IV. A brew pub licensee shall pay the same monthly fee as required by RSA 178:30 for each gallon of ~~[alcoholic beverage]~~ *beer* transferred to, sold, or furnished in its full service restaurant, ~~[and] for each gallon of [alcoholic beverage] beer sold to the general public for off-premises consumption, and for each gallon of beer sold to retail licensees for resale. Fees shall be paid to the commission on or before the tenth day of the following month.~~

V. *A holder of a brew pub license who manufactures 2,500 barrels or less during its licensing period may elect to distribute its beverages directly to retail licensees and/or to distribute its beverages pursuant to RSA 180.*

VI. The annual fee for a brew pub license shall be the same as required for a beverage manufacturer under RSA 178:27.

3 Alcoholic Beverages; Liquor Licenses and Fees; Wholesale Distributor License; Purchases by Retail Licensees. Amend RSA 178:13, IV to read as follows:

IV. Retail licensees shall purchase *beverages* only from holders of a wholesale distributor license, *a beverage manufacturer license, or a brew pub license*, or from direct shippers.

4 Alcoholic Beverages; Liquor Licenses and Fees; Beverage Representative Licenses; Issuance. Amend RSA 178:14, I-II to read as follows:

I. A beverage representative license shall only be issued upon the recommendation of the wholesale distributor, beverage vendor importer, *brew pub*, or beverage manufacturer licensee whom the beverage representative represents.

II. A beverage representative license issued upon the recommendation of the wholesale distributor *or self-distributing brew pub or beverage manufacturer* licensee shall authorize the representative to offer for sale or solicit orders for sale from retail licensees for the sale of beverages.

5 Alcoholic Beverages; Enforcement, Requirements, and Penalties; Limited Credits; Report of Delinquency; Reference Added. Amend RSA 179:13, I to read as follows:

I. Each holder of a wholesale distributor, *brew pub*, or beverage manufacturer license shall report to the commission the name and license number of any on-sale or off-sale licensee who is delinquent in making payment of accounts over a total of \$100 within 10 days, including Sundays

and holidays, from the date of delivery of beverages on the premises of such on-sale or off-sale licensee or on the premises of a liquor/wine/beverage warehouse storing the beverages for an on-sale or off-sale licensee. Each holder of a wholesale distributor license, brew pub license, beverage manufacturer license, beverage vendor license, or beverage vendor importer license shall report to the commission the name and license number of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.

6 Alcoholic Beverages; Enforcement, Requirements, and Penalties; Limited Credits; Notification of Delinquency; Reference Added. Amend RSA 179:13, V to read as follows:

V. Each wholesale distributor, brew pub licensee, or beverage manufacturer shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of accounts. Notification shall be delivered in writing to the licensee by a representative of the wholesaler, **brew pub licensee**, or beverage manufacturer. Proof of notification shall be forwarded to the commission, whose enforcement division shall issue an administrative notice for a violation of the provisions of RSA 179:13, I and shall forward a report of violation for administrative action. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesale distributor's, brew pub licensee's, or beverage manufacturer's notification, providing the requirements of this section have been met.

7 Alcoholic Beverages; Enforcement, Requirements, and Penalties; Reports; Reference Added. Amend RSA 179:14 to read as follows:

179:14 Reports. Each beverage manufacturer licensee, beverage vendor licensee, beverage vendor importer licensee, **brew pub licensee**, and wholesale distributor of beverages within the state shall, on or before the tenth day of each month, furnish to the commission, on a form prescribed, a statement under penalty of perjury showing the quantity of beverages sold for resale and the quantity of beverages sold under an off-sale license during the preceding calendar month, within the state.

8 Alcoholic Beverages; Enforcement, Requirements, and Penalties; Purchase and Supply Restrictions; Sizes of Beer Containers, Promotions, Notification; Transactions and Prices. Amend RSA 179:33, III-IV to read as follows:

III. All details of transactions between **retailers and** wholesale distributors, **beverage manufacturers, or brew pubs** ~~and retailers~~ shall be reflected on pertinent invoices. Promotions shall be clearly identified by both brands and sizes and cash discounts shall be shown as credit and itemized as such. All items noted on delivery slips shall also be noted on wholesale distributor's account receivable ledger records.

IV. All wholesale distributors, **beverage manufacturers, and brew pubs** shall make their current prices **for wholesale sales** available to the commission in writing by brand package. Prices shall remain in effect until such time as they are changed in writing by the wholesale distributor, **beverage manufacturer, or brew pub** to the commission. Price changes shall be in the commission offices no later than 5 working days prior to any change of prices.

9 Alcoholic Beverages; Beverage Distributor Agreements; Definitions; Beverage Sales Territory; Direct Distribution. Amend RSA 180:1, II to read as follows:

II. "Beverage sales territory" means the area of primary sales responsibility expressly or impliedly designated by any agreement between a wholesale distributor and a brew pub, beverage manufacturer, beverage vendor, or beverage vendor importer for the brand or label of a beverage manufacturer or brew pub, **or an area designated in a filing with the state liquor commission for self-distribution by a brew pub or beverage manufacturer.**

10 Alcoholic Beverages; Beverage Distributor Agreements; Acts Prohibited; Multiple Agreements. Amend RSA 180:2, III to read as follows:

III. After designating a sales territory for which any wholesale distributor shall be primarily responsible, enter into any agreement with any other wholesale distributor for the purpose of establishing an additional agreement for its brand or label in the same territory served by a wholesale distributor with that particular brand or label, **or file with the commission for self-distribution**

*in the designated territory.* No wholesale distributor, **brew pub, or beverage manufacturer** [~~granted a sales territory~~] shall make any sale or delivery of a beverage to any on-sale or off-sale licensee whose place of business is not within the territory [~~granted~~] **designated**.

11 Alcoholic Beverages; Beverage Distributor Agreements; Exclusive Wholesale Distributor Territorial Agreements; References Added. Amend RSA 180:9 to read as follows:

180:9 Exclusive Wholesale Distributor Territorial Agreements. It shall be unlawful for a wholesale distributor, **brew pub, or beverage manufacturer** to sell any brand of beverage in this state except in the territory described in a distribution agreement authorizing sale [~~by the wholesale distributor~~] of that brand or label within a designated area, and within that designated area the wholesale distributor, **brew pub, or beverage manufacturer** shall service all dealer and retailer licensees without discrimination. The distribution agreement shall be in writing and shall specify the brand or label it covers. When a beverage manufacturer, beverage vendor, or beverage vendor importer sells several brands, the agreement need not apply to all brands sold by the beverage manufacturer, beverage vendor, or beverage vendor importer and may apply only to one brand. No beverage manufacturer, brew pub, beverage vendor, beverage vendor importer, or other supplier shall provide by the written distribution agreement for the distribution of a brand or label to more than one distributor for all or any part of the designated territory.

12 Effective Date. This act shall take effect 60 days after its passage

**SB 13**, relative to the bonding authority of joint boards in joint maintenance agreements and relative to the eligibility of joint maintenance agreement districts for school building aid. OUGHT TO PASS WITH AMENDMENT

Rep. Susan B. Durham for Education: The bill, as amended by the Senate, is no longer needed. The sponsor testified to that. He would like the original bill, which sets up a commission to study joint maintenance agreements for school building aid. This is an alternative already in law, but never used. This is a continuation of efforts from last year's legislation. Last year's commission was unable to address joint maintenance agreements because of the work needed to address educational funding. Vote 16-0.

### Amendment (1132h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study joint maintenance agreements in school districts.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the creation of joint maintenance agreements between adjoining school districts.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall examine the following issues:

I. The establishment of joint maintenance agreements between adjoining public school districts.

II. The governance of a jointly maintained school.

III. Collective bargaining relative to a jointly maintained school.

IV. Apportionment of costs among the contracting districts.

V. The needs of towns and pupils in towns that do not operate a school in situations where neighboring school districts are at capacity and have no room for additional pupils.

VI. The management of major construction projects in a jointly maintained district.

VII. Whether or not the school boards in a jointly maintained district may establish an executive committee to address everyday issues or budget preparation.

VIII. The method of determining and apportioning school building aid in jointly maintained districts.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study joint maintenance agreements in school districts.

This bill is a request of the committee established in 1998, 131 (SB 448).

**SB 152-L**, relative to the procedures for establishing a charter school. OUGHT TO PASS

Rep. Clair A. Snyder for Education: This bill only serves to clarify steps in the charter school process by amending the wording of the warrant article requiring fiscal audits by CPA's and clarifying the evaluation process by the local school board of the initial charter school application. Vote 16-1.

**SB 204**, establishing the New Hampshire excellence in higher education endowment trust fund. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth K. Hoadley for Education: The committee supports the establishment of the higher education endowment trust fund. The amendment simply requires the disclosure that some administrative fees may funnel back to the trust fund to provide scholarships for state residents. Participants in the original investing plan should know of this process. Vote 15-0.

### Amendment (1031h)

Amend RSA 6:40 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. Requiring full disclosure regarding any fees incurred for the administration of the trust fund, including any administrative fee, or portion thereof, which is or may be returned to the trust fund.

**HB 449-FN**, requiring boating safety education. OUGHT TO PASS WITH AMENDMENT

Rep. Robert S. Mercer for Executive Departments and Administration: This bill requires a certificate of boating safety education to operate any watercraft in excess of 15-horse power on the waters of this state after certain specified dates. The bill was referred to the Executive Departments and Administration committee for review after passing the House with a 258-100 vote. The committee found no need to make any changes in the sections dealing with Chapter 541-A, Administrative Rules issues. During the review process, the sponsors of the bill requested the committee adopt an amendment which helps clarify who can administer the temporary boating safety exam and who can issue a temporary certificate to operate a watercraft. After careful review and discussion, the committee agreed with the sponsors' intent and voted 16-0 to approve the clarifying amendment and the bill as amended. The committee strongly supports this legislation to improve boating safety through education of operators of most watercraft. Vote 16-0.

### Amendment (1193h)

Amend RSA 270-D:13, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The director shall issue a temporary certificate of boating safety education to a person who passes a temporary boating safety examination, consisting of 20 questions, administered by a person approved to offer the temporary boating safety examination. The minimum passing grade for the examination shall be 80 percent. The temporary certificate of boating safety education shall be valid for up to 14 days and shall entitle the holder only to operate a vessel on the public waters of New Hampshire. Any dealer or renter of boats or employee thereof, who has passed the boating safety education course as provided in RSA 270-D:13, I(a), shall be approved by the director to administer the temporary boating safety examination and to issue a temporary certificate.

**HB 524**, increasing the membership on the board of professional engineers. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: The original bill would add an additional member to the Board of Professional Engineers. The sponsor requested the original bill not be passed. The committee amended the title and the bill to provide for one additional member, to act as alternate chairman of the public employees labor relations board. This will provide an additional full board of 3 members: 1 public, 1 labor member and 1 employee member to hear public employees labor relations cases. Vote 16-0.

**Amendment (0571h)**

Amend the title of the bill by replacing it with the following:

AN ACT increasing the alternate members on the public employee labor relations board.

Amend the bill by replacing all after the enacting clause with the following:

1 Intent. It is the intent of this act to create another alternate neutral or "public" member to the public employee labor relations board. This would give a depth of 3 board members for each constituency represented. Labor and management already have 3 such members and alternates, and by this act public members would increase to 3 members and alternates. There is no fiscal impact to this legislation because the creation of the third neutral member would merely facilitate the board's ability to meet and conform with quorum requirements as set forth in RSA 273-A:2, III. Per diem expenditures for the new member appointed under the provisions of this act shall be taken from appropriated funds.

2 Public Employee Labor Relations Board; Alternate Public Member Added. Amend RSA 273-A:2, I-a to read as follows:

I-a. The governor and council shall appoint, in addition to the regular board members specified in paragraph I, [3] **4** alternate board members. One member shall have extensive experience representing organized labor, one member shall have extensive experience in representing management interests, and ~~one member~~ **2 members** shall represent the public at large, ~~and~~. ***The members representing the public at large*** shall not hold elective or appointive public office, or elective or appointive office, or membership in, organized labor at the time of ~~his~~ appointment or during ~~his~~ **their** term. Alternate board members shall serve a 6-year term, and may be removed by the governor and council.

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill adds an alternate public member to the public employee labor relations board.

**HB 586**, clarifying certain terms relative to the practice of chiropractic. OUGHT TO PASS WITH AMENDMENT

Rep. Syliva A. Holley for Executive Departments and Administration: This bill states that the terms adjustment, manipulation and subluxation are primary to the practice of chiropractic and enables the Board of Chiropractic Examiners to define these terms in rules. The bill also addresses the penalties for unlawful practice of chiropractic and makes it a misdemeanor upon conviction to practice chiropractic in New Hampshire without a New Hampshire chiropractic license. Vote 17-0.

**Amendment (1152h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to rulemaking authority of the board of chiropractic examiners and unlawful practice of chiropractic.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Duty of Board. Amend RSA 316-A:1 to read as follows:

316-A:1 Definition. The science of chiropractic deals with the analysis of any interference with normal nerve transmission and expression, the procedure preparatory to, and complementary to the correction thereof, by an adjustment of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient using the procedures which are currently taught in accredited chiropractic colleges at the time of matriculation without the use of drugs, surgery, or colonic irrigation. The term analysis is construed to include physical examination, the use of x-ray and other analytical instruments generally used in the practice of chiropractic. ***The terms adjustment, manipulation, and subluxation are primary to the practice of chiropractic and shall therefore be specifically defined in rules adopted by the board of chiropractic examiners.***

2 Rulemaking Authority; Approval of Commissioner Removed. Amend the introductory paragraph of RSA 316-A:3 to read as follows:

The board~~[-with the approval of the commissioner of the department of health and human services-]~~ shall adopt rules, pursuant to RSA 541-A, relative to:

3 New Paragraph; Rulemaking; Define Terms. Amend RSA 316-A:3 by inserting after paragraph XVIII the following new paragraph:

XIX. Defining the specific terms "adjustment," "manipulation," and "subluxation," in the practice of chiropractic.

4 Penalties; Unlawful Practice. Amend RSA 316-A:25 to read as follows:

316-A:25 Penalties; ***Unlawful Practice.***

***I.*** Whoever, not being licensed as provided in this chapter, shall advertise oneself or in any way hold oneself out as qualified to practice chiropractic, [~~or shall practice chiropractic,~~] or whoever does so after receiving notice that the person's license has been revoked, and whoever, being licensed as provided in this chapter, shall advertise or call oneself, or allow oneself to be advertised or called a physician or a doctor, or use any physician's or doctor's insignia as such, except "Doctor (name of chiropractor), chiropractor", shall be guilty of a misdemeanor and, upon conviction, shall, if licensed, have such license revoked.

***II.*** ***No person shall practice chiropractic as defined in this chapter without first obtaining a license from the board; provided that nothing in this chapter shall prohibit persons licensed under any other provision of New Hampshire law from performing activities within the scope of such a license. Any person who violates this paragraph shall be guilty of a misdemeanor.***

5 Repeal. RSA 316-A:4, relative to monitoring by commissioner of health and human services of rulemaking activity of the board, is repealed.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill makes changes to the rulemaking authority of the board of chiropractic examiners and removes the requirement that the commissioner of health and human services monitor such rulemaking. The bill also adds a provision concerning the unlawful practice of chiropractic.

**HB 688**, relative to the custody and escheat of abandoned and unclaimed property. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frank V. Sapareto for Executive Departments and Administration: This bill updates a number of provisions of the abandoned property law, which is administered by the state treasurer. Treasurer Thomas testified in support of this bill. The bill changes the timing for the publication and mailing of notices regarding abandoned property. It also removes the current requirement for a civil action in the Superior Court to determine that abandoned and unclaimed property escheats to the state. The amendment allows holders of unclaimed property to report such abandonment only to the state of New Hampshire and not to any other state. Such property is subject to the same uniform property rules as all other abandoned property. Vote 15-0.

### Amendment (0768h)

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-8 to read as 2-9, respectively:

1 New Paragraph; Abandoned Intangible Property. Amend RSA 471-C:3 by inserting after section VI the following new paragraph:

VII.(a) Unless otherwise provided by law, intangible property is subject to the custody of this state as unclaimed property awaiting claim by another state pursuant to RSA 471-C:27, I(b), if the conditions raising a presumption of abandonment under RSA 471-C:2 or RSA 471-C:5-18 are satisfied and the last known address of the apparent owner, as shown on the records of the holder, is in another state.

(b) Tangible and intangible property awaiting claim by another state pursuant to RSA 471-C:27, I(b) shall be reported to the administrator, subject to the dormancy periods set forth in this chapter, in accordance with the requirements of RSA 471-C:19.

Amend the bill by replacing section 9 with the following:

9 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 2000.

**HB 725**, relative to rulemaking under the administrative procedures act. **RE-REFER TO COMMITTEE**

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill changes the procedures for review, adoption and publication of agency rules under RSA 541-A, the administrative



procedures act. Upon review of the numerous amendments submitted, and the suggested changes to the present Joint Committee on Administrative Rules process, the committee determined a more detailed analysis by a larger Executive Departments and Administrative subcommittee, familiar with the rules process, is needed to reach consensus. Vote 15-0.

**SB 21**, relative to domestic animals. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: This bill, as amended, provided for a Division of Animal Industry within the Department of Agriculture, Marketing and Food and assigns the state veterinarian as its director. Oddly enough, the state veterinarian has been performing these duties for the past eight years even though the Division of Animal Industry was not authorized in statute. Recently, when the "Director" approached the Joint Legislative Committee on Administrative Rules staff with proposed administrative rules, he was told that rules could not be written for his division that did not exist. SB 21, as amended, will correct this discrepancy. Vote 15-0.

**Amendment (1127h)**

Amend RSA 436:7 as inserted by section 2 of the bill by replacing it with the following:

436:7 Appointment. The commissioner of agriculture, markets, and food shall, with the approval of the governor and council, appoint a graduate of a veterinary[;] college of recognized standing, who shall have had at least 5 years' experience in the practice of veterinary medicine, including large animal practice, and who shall be known as the state veterinarian *and the director of the division of animal industry*.

**SB 215**, transferring certain responsibilities for shellfish harvesting and regulation. OUGHT TO PASS WITH AMENDMENT

Rep. Michael O'Neil for Executive Departments and Administration: This bill enables the transition of some responsibilities for the New Hampshire Shellfish Program from the Department of Health and Human Services to the Department of Environmental Services. DES duties would be expanded to include additional responsibility for the classification of shellfish, waters and related sanitary survey work in addition to its present responsibility for water quality, assessment and cleanup. The Department of Health and Human Services, Department of Fish and Game and the Office of State Planning will continue with their current responsibilities. Vote 15-0.

**Amendment (1153h)**

Amend the bill by replacing section 3 with the following:

3 Emergency Closing. Amend RSA 211:63-a to read as follows:

211:63-a. Emergency Closing. Any rules adopted under the authority of RSA 211:62 may be suspended and the taking of [~~clams, clam worms, and oysters~~] *bivalves* may be prohibited in any area when the department of [~~health and human~~] *environmental* services shall determine that accidental pollution exists in the area. The emergency closing shall be ordered by the executive director without a hearing. The executive director after a hearing shall have authority to order a partial closing of clam, [~~clam worm, and~~] *oyster, and other bivalve* areas for the purpose of management of the areas by rotation. When such management closing is ordered the order shall be effective immediately without a waiting period.

4 Effective Date. This act shall take effect 60 days after its passage.

**HB 419-FN**, repealing the certificate of need law. INEXPEDIENT TO LEGISLATE

Rep. Peter Batula for Health, Human Services and Elderly Affairs: Prior to 1987 a federal statute required states to set up a "certificate of need" law. The objective and intent was to keep down the medical costs by controlling new construction for medical care, such as acute care facilities (hospitals), nursing homes, ambulatory surgical centers, etc. In 1987, Congress repealed this mandate, no longer requiring C.O.N. boards in the states. So far, 13 states have discontinued the C.O.N. boards entirely because in the opinion of some, it interfered with free enterprise and all but shut down competition. This bill to repeal the New Hampshire C.O.N. board was carefully considered and the subcommittee and the full committee decided to fix the problem areas of the C.O.N. board. House Bills 545 and 657 follow through with this recommendation. Vote 21-1.

**SB 16**, relative to revocation of wills by divorce. OUGHT TO PASS WITH AMENDMENT

Rep. John M. Pratt for Judiciary: This bill clarifies the law to make clear that any children of a former spouse shall not inherit after a divorce unless the will expressly provides otherwise. The amendment makes specific that an heir of a former spouse can inherit after a divorce only if the will expressly names that heir. Vote 12-0.

**Amendment (1226h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Wills; Revocation by Divorce. Amend RSA 551:13, II to read as follows:

II. If after executing a will the testator is divorced or the marriage is annulled, the divorce or annulment revokes any disposition or appointment of property made by the will to the former spouse, any provision conferring a general or special power of appointment on the former spouse, and any nomination of the former spouse as executor, trustee, conservator, or guardian, unless the will expressly provides otherwise. Property prevented from passing to a former spouse because of revocation by divorce or annulment passes as if the former spouse *and all heirs in the descending line of such former spouse who are not also heirs at law of the decedent* failed to survive the decedent, and other provisions conferring some power or office on the former spouse are interpreted as if the spouse *and all heirs in the descending line of such former spouse who are not also heirs at law of the decedent* failed to survive the decedent. *Any bequest or devise to any such heirs in the descending line of such former spouse that is contingent upon such spouse predeceasing the testator is revoked by this section, unless the will expressly provides otherwise.* If provisions are revoked solely by this section, they are revived by the testator's remarriage to the former spouse. A decree of separation which does not terminate the status of husband and wife is not a divorce for the purposes of this section. No change of circumstances other than as described in this section revokes a will.

2 Effective Date. This act shall take effect January 1, 2000.

**AMENDED ANALYSIS**

This bill adds the former spouse's heirs who are not also heirs of the testator to the provisions of revocation by divorce. This bill also revokes any bequest or devise to any such heirs that is contingent upon such spouse predeceasing the testator.

**SB 26**, establishing a committee to study trustee process. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Judiciary: This bill sets up a study committee to look at the trustee process – Chapter 512. In particular the study would look at and clarify the banks' responsibility when holding funds and in which cases they might become a party to court action. The current chapter has not had any changes in over 30 years. Vote 14-0.

**Amendment (1180h)**

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

**SB 111**, relative to requirements for acknowledgements and jurats by justices of the peace. OUGHT TO PASS WITH AMENDMENT

Rep. John M. Pratt for Judiciary: This Senate bill requires a justice of the peace to print or type his or her name on any document or instrument acknowledged by the justice of the peace. The amendment requires that the justice of the peace must also state the expiration date of his or her commission on the document. Vote 14-0.

**Amendment (1201h)**

Amend RSA 455-A:3 as inserted by section 1 of the bill by replacing it with the following:

455-A:3 Powers. Every justice of the peace shall have the power to administer oaths, perform marriage ceremonies, acknowledge instruments, and any other power prescribed by law. *A justice of the peace signing an acknowledgment or jurat on any document or instrument shall type, print, or stamp the name of the justice of the peace and state the expiration date of his or her commission on the document or instrument. However, failure to meet these requirements shall not impair the legal validity of any acknowledgment or jurat.*

## AMENDED ANALYSIS

This bill requires a justice of the peace to print or type his or her name and state his or her commission expiration date when making an acknowledgment or jurat.

**HB 242**, establishing a committee to study lost wages due to work-related injuries. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: Currently the client has their case heard by a hearings officer who makes a determination as to causality of their claim. If the claimant is dissatisfied with the hearings officer's decision, he or she may request a hearing before a statutory appeals board and, if still not satisfied, may go to the Supreme Court for a further determination. The comprehensive Worker's Compensation Reform Bill of 1994 has some sections of law in very early stages of implementation. The committee, after considering the request, preferred to monitor the changes we implemented in 1994 rather than reopening issues that have not yet had time sufficient enough to determine their effectiveness. Vote 18-0.

**HB 741**, relative to the ratio of apprentices to journeymen in trade or industry apprenticeship programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary Torressen for Labor, Industrial and Rehabilitative Services: This bill as amended reduces the required journeyman to apprentice ratio of 5-1 to 3-1. The committee believed that this was a fair compromise from the original ratio of the bill, seeking a 1-1 ratio. The commissioner of labor also supported this new ratio. This bill will provide more opportunity for those wanting to enter the trades and apprenticeship programs. Vote 14-0.

**Amendment (1140h)**

Amend RSA 278:8, IX as inserted by section 1 of the bill by replacing it with the following:

IX. A statement as to the ratio of apprentices to journeymen or number of apprentices to be employed during any year under the program. *Where the agreement provides for a ratio of at least 3 journeymen to one apprentice in terms of overall workforce, no standard shall have the effect of requiring the agreement to provide for employment of any greater number of journeymen per apprentice;*

## AMENDED ANALYSIS

This bill provides that the minimum standards for the ratio of apprentices to journeymen in trade or industry apprenticeship programs may not require more than 3 journeymen to one apprentice.

**HB 742**, defining "domestic employee" for purposes of workers' compensation. **OUGHT TO PASS**  
Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The purpose of this legislation is to define "domestic" for the workers compensation portion of homeowners insurance. Currently, all home insurance policies are required to carry workers compensation insurance. The Supreme Court requested the legislature to further define the term "domestic" employee, which the committee has done. This new definition clearly shows that contractors working at your home do not fall under the homeowner's workers compensation but housekeepers and babysitters do. Those holding themselves out as a business or self-employed must carry a valid workers compensation policy if they expect to be covered under the current system. Vote 17-0.

**SB 42-L**, establishing a committee to study safety improvements at the U.S. Route 1 traffic circle in the city of Portsmouth. **OUGHT TO PASS**

Rep. John E. Tholl, Jr. for Public Works and Highways: The traffic count on the US route 1 traffic circle has gone from 10,200 vehicles per day in 1962, to a high of 29,000 vehicles per day in 1998, a three-fold increase. The traffic circle is approximately 50 years old, and there aren't many more changes that can be made less expensively. Commissioner Kenison from the Department of Transportation testified in favor of the bill. Studies of this nature provide for public input and awareness as well as possible solutions. Vote 16-2.

**SB 43**, creating a commission to research making Hilton Park in the city of Dover property of that city. **INEXPEDIENT TO LEGISLATE**

Rep. Leon Calawa, Jr. for Public Works and Highways: The committee felt that this was a local issue and could be better handled by local people and groups. A portion of the land will be needed for future expansion of the Spaulding Turnpike. The department of transportation is supportive of

local input in developing properties as this, requested by local groups. This is not a unique situation, as the DOT has worked with local groups in other parts of the state on similar projects. The committee completely supports the concept of this legislation, but believes that it should be local and will support local efforts as necessary. The prime sponsor testified that the city of Dover is not interested in this property. Vote 17-0.

**SB 155**, relative to the naming of certain bridges in the city of Concord. **OUGHT TO PASS**  
Rep. Candace White Bouchard for Public Works and Highways: This bill provides for the naming of certain roads and bridges as memorial war bridges in Concord. Both the city of Concord and the department of transportation approve of this bill to honor the state's veterans. This bill would rename Concord's Manchester Street bridge to the Korean Veterans Memorial Bridge. The Bridge Street bridge in Concord would be renamed the World War II Veterans Memorial Bridge. The only state bridge affected by this bill is the Interstate 393 bridge over the Merrimack River in the city of Concord. This bridge would be renamed the Vietnam Veterans Memorial Bridge. The cost of design, construction, maintenance and installation of any signage, replacement signage or other markers required under sections 1-3 of this act would be paid for by various veterans' organizations. However, the Department of Transportation shall approve the design, construction and installation of any signage or other markers. The committee felt this bill was an appropriate act to express the state's gratitude and to honor the veterans and their families. Vote 15-0.

### REGULAR CALENDAR

**HB 640-FN**, relative to grievance procedures of managed care organizations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: This bill creates an external appeals process for consumers to access when an insurance claim is denied based on a medically necessary determination from the insurer. Today, policyholders have a right to an internal review only. Many believe this internal process has an inherent conflict of interest since the insurance company reviews itself. This new external process brings an independent panel, certified by the New Hampshire Insurance Department, to review adverse determinations. This is a tremendous step forward in addressing the concerns of managed care. The amendment replaces the entire bill. This bill requires the managed care plan to inform subscribers about this new external appeal. Managed care plans must pay for the appeal and assume all costs of processing the external appeal. There is no fee required of the consumer. Managed care plans must select an independent review agency from a list certified by the Insurance Commissioner. All certified external review agencies must have clinically matched medical professionals to review the case, who have no conflict of interest in the case. The bill requires an expedited appeal process for the life-threatening situations.

This process provides consumers an easy to access, non-judicial, no cost external review. The committee believes this version will have little, if any, effect on insurance premiums. The committee worked hard to develop a bill which considers all viewpoints and has elements from other states and national standards. There are other bills, still in process, which deal with external review. The committee is committed to ensuring an external appeal process becomes law in New Hampshire. Vote 13-1.

### Amendment (1120h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definitions Added. Amend RSA 420-J:3 by inserting after paragraph III the following new paragraph:

III-a. "Authorized representative" means a person to whom a covered person has given consent to represent the covered person in an external review. Authorized representative may include the covered person's treating provider.

2 New Paragraphs; Definitions Added. Amend RSA 420-J:3 by inserting after paragraph XVI the following new paragraphs:

XVI-a. "External review" means a process by which a covered person may request that an adverse determination be reviewed by an external review organization.

XVI-b. "External review agent" or "review agent" means a clinical peer employed or under contract with an external review organization.

XVI-c. "External review organization" means an organization which employs or contracts with clinical peers to act as external review agents.

3 New Section; External Review. Amend RSA 420-J by inserting after section 5 the following new section:

420-J:5-a External Review Process.

I.(a) There is hereby established an external review process for the purposes of a managed care plan's covered person or the covered person's authorized representative appealing an adverse determination. A plan's covered person shall have the right to an external review when:

(1) A covered person has exhausted the internal appeals process of the contracted plan for a covered benefit and the outcome resulted in an adverse determination;

(2) A health carrier has upheld an adverse determination upon a second level review of a grievance or has failed to render a decision pursuant to RSA 420-J:5, V;

(3) The covered person's cost for the amount in controversy is, or is anticipated to be, equal to or in excess of \$500; and

(4) The covered person submits a request, in writing, for such review to the plan within 90 days from the date of receipt of the final internal appeals determination by the managed care plan.

(b) The covered person shall have recourse to an expedited external review for emergency or life threatening situations which would seriously jeopardize the life or health of the covered person, provided that the provisions of subparagraphs I(a)(1) and (2) are met and when:

(1) The individual files a request for expedited external review no later than 72 hours after the managed care plan has issued its final adverse determination or has failed to render a decision pursuant to RSA 420-J:5, V; and

(2) The attending provider certifies that taking the time to complete the standard external review process would seriously jeopardize the life or health of the covered person.

II. Managed care plans shall:

(a) Maintain contracts with at least 2 external review organizations that are certified by the commissioner. A managed care plan shall not contract with an external review organization if the organization performed utilization review functions on behalf of the managed care plan for the specific case under consideration. A managed care plan shall not contract with an external review organization if the external review organization or its review agents have a conflict of interest, as described in subparagraph III(a)(3), with the managed care plan.

(b) Within 3 business days of the carrier's receipt of notification by the covered person of a request for external review, the plan shall select a certified external review organization.

(c) Within 10 business days of the carrier's receipt of notification by the covered person, the plan shall submit to the external review organization all information that was submitted to the plan by the covered person or the covered person's health care provider in support of the covered person's request for coverage under the plan's internal appeals procedures and all other evidence relied upon by the carrier in making its determination.

(d) When an expedited external review is warranted pursuant to subparagraph I(b) of this section, forward information described in subparagraph II(c) to the external review organization within one business day of receipt of the request for an expedited external review.

(e) Be responsible for the reasonable fees and costs of the external review organization, such that fees and costs of an external review shall not exceed \$1,500.

III.(a) An external review conducted by an organization at the request of a managed care plan shall meet, at a minimum, the following standards for purposes of being certified by the commissioner. Any such organization that performs an external review may apply to the commissioner and be certified upon demonstrating that it complies, at a minimum, with the standards established in this paragraph.

(1) Any external review organization which meets the criteria under this paragraph, shall conduct its review pursuant to a written plan.

(2) Expert reviewers assigned by the external review organization shall be physicians or other appropriate health care professionals who meet the following requirements:

(A) Be an expert in the treatment of the covered person's medical condition and knowledgeable about the recommended service or treatment through actual clinical experience;

(B) Hold a non-restricted license in a state of the United States, and for physicians, a current certification by a specialty board recognized by the American Board of Medical Specialties in the areas appropriate to the subject of review;

(C) Have no history of disciplinary action or sanctions, including, but not limited to, loss of staff privileges or participation restriction, taken or pending by any hospital, health carrier, government or regulatory body; and

(D) Have agreed to disclose any potential conflict of interest.

(3) Neither the expert reviewer, nor the external review organization, shall have any material, professional, familial, or financial conflict of interest with any of the following:

(A) The health carrier.

(B) Any officer, director, or management employee of the carrier.

(C) The physician, the physician's medical group, or the independent practice association (IPA) proposing the service or treatment.

(D) The institution at which the service or treatment would be provided.

(E) The development or manufacture of the principal drug, device, procedure, or other therapy proposed for the covered person whose treatment is under review.

(F) The covered person or authorized representative.

(4) The commissioner may determine, in specific cases, that an affiliation with a hospital, an institution, an academic medical center, or a health carrier provider network does not in and of itself constitute a conflict of interest.

(5) The following organizations are not eligible for certification as external review organizations:

(A) Professional or trade associations of health care providers.

(B) Subsidiaries or affiliates of such provider associations.

(C) Health carrier or health plan associations.

(D) Subsidiaries or affiliates of health plan or health carrier associations.

(6) Any external review organization shall have a documented process to review and evaluate the effectiveness of its external review program.

(7) The external review organization shall consider anew all previously determined facts, allow the introduction of new relevant information and make a decision that is not bound by decisions or conclusions made by the health carrier during internal review.

(8) Any external review organization shall not compensate an individual rendering review determinations based upon the number of adverse determinations upheld or denied.

(9) Any external review organization shall have a documented process for compliance with all applicable medical record confidentiality statutes and regulations.

(10) Any external review organization shall base its determination on the plan's applicable coverage documents, including any terms that are defined thereunder, and shall not expand the contractually agreed upon coverage.

(b) The external review organization shall submit the determination to the commissioner, the plan, and the covered person within 30 business days of the receipt of the request for review. For an expedited external review, the review agent shall issue a determination within 3 business days of receipt of the request. All statutory standards, other than time standards, applicable to external reviews shall apply to expedited external reviews. Reversal of the internal review decision made by the health plan shall be without prejudice to the health plan when the external review organization certifies that it has received new documentation which:

(1) Represents a material change in the submitted information upon which the external review agent based its adverse determination or upon which the managed care plan based its denial; and

(2) Has been made available to the health plan in a manner which failed to provide the plan with sufficient time, not less than 3 business days, to consider such documentation, and amend or confirm the adverse determination.

(c) When rendering a determination, any such external review organization shall consider and rely upon utilization review criteria for the specific case pursuant to the clinical standards of the plan. The external review organization shall examine the attending health care provider's recommendation, and shall consider the applicable generally accepted practice guidelines developed by the federal government or through national or professional medical societies, boards and associations.

(d) The determination shall be in written form and shall state the reasons the requested service or treatment should or should not be covered under the terms and conditions set forth in

the evidence of coverage. The determinations shall specifically cite the relevant provisions in the evidence of coverage, the covered person's specific medical condition, and the relevant documents provided, to support the determination.

(e) An external review organization acting in good faith shall have immunity from any civil or criminal liability or professional discipline as a result of acts or omissions with respect to any external review, unless the acts or omissions constitute willful and wanton misconduct.

#### IV. The commissioner:

(a) Shall review and verify compliance criteria for the certification of an external review organization that contracts with managed care plans for the conduct of the external review as provided in paragraph III.

(b) Shall notify the certified entities of the \$1,500 fees and cost limitation for conducting an external review.

(c) May grant up to an additional 5 business days for the external review organization to submit a determination, upon request of the external review organization, the covered person, the covered person's health care provider, or the managed care plan.

(d) Shall collect data regarding the nature of the service or treatment undergoing external review, the outcome determination, the external review organization, and the plan. The commissioner shall submit an annual report no later than November 1 of each year to the governor, the speaker of the house and the president of the senate.

V.(a) The determination of the review agent shall be binding on all parties.

(b) Decisions relating to the following health care services or treatments shall not be reviewed under this section:

(1) Health care services provided to beneficiaries of managed care plans regulated by the federal government through medicaid, the state children's health insurance program (Title XXI of the Social Security Act), medicare or services provided under these programs but through a contracted health carrier.

(2) Health care services provided to inmates by the department of corrections.

(c) The procedure set forth in this section shall not apply to claims or allegation of health provider malpractice, professional negligence, or other professional fault against participating providers.

3 External Review; Notification to Covered Persons, Amend 420-J:5, II(a)-(d) to read as follows:

(a) A description of the grievance procedure for adverse determinations, ***including a description and availability of the external review process*** and other matters which shall be set forth in or attached to the policy, certificate, membership booklet, or other evidence of coverage provided to covered persons.

(b) A statement of a covered person's right to contact the commissioner's office for assistance at any time. The statement shall include the toll-free telephone number and address of the commissioner.

(c) Upon written denial of a requested medical service or claim by the health carrier, a statement of the covered person's right to access the internal grievance process.

(d) ~~[Staff assistance in filing a grievance]~~ ***Upon exhausting the second level grievance review process, a statement of the covered person's right to access to the external review process, including what the covered person must do to initiate the external review process and the availability of expedited external review under certain circumstances generally described.***

4 Availability of External Review. Amend RSA 420-J:5, V(a)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. Upon concurrence of the covered person, a copy of the decision shall be forwarded to the insurance department. The decision shall include the titles of the members of the review panel; a statement of the review panel's understanding of the nature of the grievance, including issues raised by the covered person, and all pertinent facts; the rationale for the review panel's decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; ~~and~~ a statement of the covered person's right to file an external appeal as provided in RSA 420-J:5, VIII; ***and a description of the availability of external review, how to initiate an external review and the written procedures governing an external review, including the required time frame for review and notice of decision.***

5 Availability of External Review. Amend RSA 420-J:5, V(b)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. The decision shall include the titles of the members of the review panel; a statement of the review panel's understanding of the nature of the grievance and all pertinent facts; the rationale for the review panel's decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; ~~and~~ a statement of the covered person's right to file an external appeal as provided in RSA 420-J:5, VIII; *and a description of the availability of an expedited external review, how to initiate an expedited external review and the written procedures governing an external review, including the required time frame for review and notice of decision.*

6 Repeal. RSA 420-J:5, VIII and IX, relative to an external review process, are hereby repealed.

7 Effective Date. This act shall take effect January 1, 2000.

Adopted.

Report adopted and ordered to third reading.

**HB 503-FN-L**, relative to the authorized regional enrollment area agreement in Conway. **OUGHT TO PASS WITH AMENDMENT**

Rep. John Alger for Education: This bill resolves a "glitch" in current law. This change requires review of any AREA school agreement or co-operative, if one or more of the districts voted to participate in a charter school under RSA 194-B. The review can be only for the purpose of addressing charter schools. At present, the adoption of charter school law can contradict an existing AREA agreement. The amendment replaces the bill. Vote 18-0.

#### **Amendment (1232h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

Amend the bill by replacing all after the enacting clause with the following:

1 AREA Schools; Procedure for Establishment Amended. Amend RSA 195-A:3, V to read as follows:

V. An area school planning board may recommend that there be established an authorized regional enrollment area plan for elementary or secondary schools, or both, or any other reasonable combination of grades, composed of all the school districts represented by its membership or any specified combination thereof. The planning board shall prepare a written plan for the proposed regional enrollment area, which shall be signed by at least a majority of the membership of such board, which shall set forth the following: (a) the name or names of each area school or schools proposed, and the receiving district in which such schools shall be located; (b) the sending districts or portions thereof which, together with the receiving district, shall form the region which each area school or schools shall serve; (c) the grades for which each area school or schools shall be responsible (which may include a combination of elementary and secondary grades or any other reasonable classification); (d) the formula for calculation of tuition; (e) the manner in which any form of state aid shall be credited, unless otherwise expressly provided by law; (f) the existing school buildings in the several school districts which shall be discontinued; (g) the existing school buildings in the receiving district which shall be designated as an area school or schools including any existing buildings to be initially enlarged; (h) the proposed new area school building or buildings to be initially constructed in the receiving district and the initial location of same; (i) the estimated initial enrollment in each area school from each of the sending districts and from the receiving district; (j) the proposed date or dates of operating responsibility of each planned area school, which date may be subsequently postponed by the state board upon petition of a receiving or sending district, in the event of unforeseen circumstances or for good cause shown; (k) the scheduled date or dates during each year upon which tuition payments shall be made by the sending districts to the receiving districts and whether the tuition shall be payable in installments, or in a lump sum; (l) procedure for improvement or changes in curriculum and other school programs and services; (m) the method, time, and manner in which the plan may be amended, subject to state board approval, where not incompatible with law; (n) *the term of the plan which shall be for a minimum*



*of 10 years unless otherwise provided by mutual agreement of the school districts consistent with the provisions of RSA 195-A:3, IX; (o) the manner in which the interests of the school boards of the sending districts will be addressed; (p) whether the districts within the area plan shall adopt the provisions of RSA 194-B, and how the adoption of such provisions and the adoption of the open enrollment percentage limitations will affect the districts within the area plan; (q) any other matters, not incompatible with law, which the area school planning board may consider appropriate to include in such written plan.*

2 AREA School Plans; Modifications. Amend RSA 195-A:16 to read as follows:

*195-A:16 Modification. Parties to any authorized regional area agreement may, either at the time of the original agreement, or at any subsequent modification of the agreement, specify that the agreement shall cover less than 100 percent of the student population of the sending district. In the event that a charter school is established within a sending or receiving district, after final approval by the state board, an area review board shall be convened pursuant to RSA 195-A:14 solely for the purpose of considering an amendment to the area agreement relative to the adoption of the charter school provisions under RSA 194-B. Any such amendment shall be consistent with the provisions of RSA 195-A:3, V(p). An area plan amended under this section shall be submitted to the state board for approval no later than December 1 of the year of amendment.*

3 New Section; Cooperative Schools; Modification. Amend RSA 195:31 by inserting after section 30 the following new section:

*195:31 Modification. In the event that the cooperative district adopts the provisions of RSA 194-B, and the cooperative district also adopts open enrollment percentage amounts pursuant to RSA 194-B:4, the percentage of pupils authorized by a vote of the cooperative district shall be permitted to attend a charter school which may be established in the district and approved by the voters in accordance with RSA 194-B:3.*

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides for the amendment of the terms of a authorized regional enrollment area agreement in the event one or more such districts adopt the provisions of the charter school and open enrollment law, or establish a charter school within the cooperative or area plan.

Adopted.

Report adopted and ordered to third reading.

**HB 518-FN-L**, relative to a joint maintenance agreement to build a single high school involving the towns of Northwood, Nottingham, and Strafford. **INEXPEDIENT TO LEGISLATE**

Rep. Susan B. Durham for Education: This bill would allow state building aid for a school built on leased land. The committee asked to recommit to address any new information from Northwood. Northwood continues to meet to address building needs. The committee feels that a long-term lease does not equate to ownership for purposes of state building aid. This is also the advice from the Attorney General's office. Vote 15-3.

Adopted.

**HB 633-FN-L**, establishing parental choice scholarships. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Russell Cox for the Majority of Education: This bill, as amended, provides scholarship aid up to 80% of the adequate education grant to assist low-income families to choose a school other than the assigned public school for a child. The eligibility is limited to schools that are in the bottom 1/3 of the state assessment tests for two preceding years (the only available measure to identify schools where students may not be getting the education best for them), up to a limit of 5% of the population of any particular school or schools that agree to authorize such scholarships. The scholarships are funded by the school district from the state grant money received and are limited to reimbursements of actual expenses for tuition and supplies, not including transportation. The choice of alternative schools, if admitted, includes other public schools and non-sectarian private schools. The scholarship grants are graduated, depending upon income level of the parents, up to three times the poverty level with the remainder of the grant being retained by the public school district. Vote 12-8.

Rep. John M. White for the Minority of Education: The minority opposes the use of limited public resources outside of the public school system and the policy of identifying failing schools, which

the bill institutes. It relies on a single measure, the state assessment tests, to identify schools in the bottom third on these tests without regard to where that third falls in performance. In addition, we feel that HB 633 fails to achieve its stated goal of ensuring low income children access to schools of their parents' choice. Private schools need not accept such pupils and if they do, the parents would be required to supplement the scholarship to meet private school tuition costs and to provide transportation for their children.

### Amendment (1344h)

Amend the bill by replacing all after the enacting clause with the following:

1 Education; School Boards, Transportation and Instruction of Pupils; Definitions; Average Daily Membership in Residence; Parental Choice Scholarship Students Added. Amend RSA 189:1-d, IV to read as follows:

IV. "Average daily membership in residence" means the average daily membership of students enrolled in public schools within the district ***or students attending a public or private school with parental choice scholarship assistance from the district*** or students whose tuition is being paid by the district to another approved public or private school for a given school district in a given school year.

2 New Chapter; Parental Choice Scholarships. Amend RSA by inserting after chapter 194-C the following new chapter:

## CHAPTER 194-D

### PARENTAL CHOICE SCHOLARSHIPS

194-D:1 Statement of Purpose. It is the purpose of this chapter to:

I. Ensure that school-age children of low-income families have current access to schools that are satisfactory to the parents.

II. Allow more parents to choose among public and nonpublic schools best suited to their children's needs and talents and the parents' educational philosophy regardless of family income and place of residence.

III. Encourage the establishment and operation of diverse learning environments designed to meet the individual educational needs and talents of New Hampshire's children.

IV. Encourage all schools to reach beyond educational adequacy to educational excellence.

194-D:2 Definition. In this chapter, "parent" means a parent, guardian, or person having legal custody of a child.

194-D:3 Eligibility and Limitations.

I. Notwithstanding the provisions of RSA 198:2 or any other law to the contrary, and except as otherwise provided in this chapter, a parent shall be eligible to receive a parental choice scholarship if:

(a) The public school within the district or the school to which the child has been assigned has average scores in the bottom 1/3 on a statewide basis in the state assessment tests for both of the 2 years preceding the parent's initial application for a scholarship; or

(b) The governing body or legislative body of the school district to which the child has been assigned has voted to authorize parental choice scholarships.

II.(a) No parent shall receive a parental choice scholarship whose total household adjusted gross income for federal income tax purposes is greater than 300 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services.

(b) Parents whose total household adjusted gross income for federal income tax purposes is not greater than 200 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services shall be eligible for 100 percent of the parental scholarship award amount established in RSA 194-D:4, II.

(c) Parents whose total household adjusted gross income for federal income tax purposes is greater than 200 percent but not greater than 250 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services shall be eligible for 75 percent of the parental scholarship award amount established in RSA 194-D:4, II.

(d) Parents whose total household adjusted gross income for federal income tax purposes is greater than 250 percent but not greater than 275 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services shall be eligible for 50 percent of the parental scholarship award amount established in RSA 194-D:4, II.

(e) Parents whose total household adjusted gross income for federal income tax purposes is greater than 275 percent but not greater than 300 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services shall be eligible for 25 percent of the parental scholarship award amount established in RSA 194-D:4, II.

III. No parent shall apply for a parental choice scholarship from a school district other than the district of the child's legal residence, as defined in RSA 193:12.

IV. No parental choice scholarship shall be awarded in violation of a tuition contract or an area plan under RSA 195-A existing on the effective date of this section. Tuition contracts and area plans approved and adopted after the effective date of this section shall not preclude receipt of a school choice scholarship by an otherwise eligible parent.

V. Parents shall apply for parental choice scholarships during the November or December before the academic year, unless the time limitation is waived.

VI. Once a parent receives a parental choice scholarship, the parent shall remain eligible for future scholarships until the child completes the final grade offered at the school to which the child was originally assigned, so long as the child remains a resident of the district and the parent meets the requirements of paragraph II.

VII. Notwithstanding the provisions of this chapter, school districts operating a parental choice program on the effective date of this section may continue to operate such program.

VIII. Parental choice scholarships shall be granted for no more than 5 percent of the total students assigned to the school. Scholarships shall be awarded to qualifying parents in the order that the applications are received by the school district.

#### 194-D:4 Parental Choice Scholarships; Funding.

I. Parental choice scholarships shall be applied to tuition, textbooks, curricular materials, services, and expenses paid for kindergarten through grade 12 at a public or nonpublic school within or outside the state.

II. Parental scholarship award amounts shall be equal to 80 percent of the adequate education grant amount distributed to the school district pursuant to RSA 198:42 divided by the weighted average daily membership in residence or the actual costs of the school, whichever is less.

III. Parental choice scholarships shall be paid by the school district to the parent twice each school year upon submission of documentation that school services shall be provided.

IV.(a) Scholarship awards may only be applied towards attendance at a nonpublic school if the school meets the criteria set forth in the rules of the state board of education adopted pursuant to RSA 186:11, XXIX.

(b) All children attending nonpublic schools with parental choice scholarship assistance shall be given an academic achievement test chosen by the nonpublic school at least once every year. The nonpublic school shall pay the expense of the test. The test results shall be made available to the department of education upon request.

V. Parents may supplement scholarships with funds from their own or any other public or private sources, including scholarships from a school of choice.

#### 194-D:5 Scholarship Program Requirements and Options.

I. A school district may enter into a contractual or other relationship with an approved nonpublic or charter school within or outside the state and may provide funds, services, equipment, materials, or personnel to a nonpublic school in order to effectuate the purposes of this chapter.

II. A school district may enter into a tuition contract with an approved nonpublic or charter school within or outside the state.

III. For purposes of this chapter, RSA 189:6, RSA 189:8, and RSA 189:9, relative to transportation services, shall be optional for school districts.

IV. Parental choice scholarship funds shall not be applied towards attendance at a sectarian school.

#### 194-D:6 Educationally Disabled Pupils; Discrimination Prohibited.

I. In accordance with department of education rules, the funding and educational decision-making process for educationally disabled pupils attending nonpublic schools shall be the responsibility of the local education agency and shall retain all current options available to the parent and to such agency.

II. In order for an attending pupil's parents to be eligible for a parental choice scholarship, a nonpublic school shall certify to the department of education that the school shall not discriminate

in any manner prohibited by law and shall not discriminate against educationally disabled pupils. For the purposes of this chapter and in conformance with federal regulations, nonpublic schools shall provide an appropriate education to educationally disabled pupils including the provision of auxiliary aids and services unless doing so would fundamentally alter the nature of the program or would be an undue burden to the nonpublic school.

194-D:7 Liability Limited.

I. Except as specifically provided in this chapter, nonpublic schools shall not be required to comply with additional laws or rules as a result of attendance by pupils whose parents receive parental choice scholarship awards.

II. No nonpublic school shall be required to accept pupils whose parents receive parental choice scholarship awards.

III. No school district shall be held liable for damages in an action to recover for bodily injury, personal injury, property damage as defined in RSA 507-B:1, or failure to educate pupils, where the action arises out of a parent's exercise of options under the provisions of this chapter.

194-D:8 Construction. The provisions of this chapter shall be controlling over any provisions of law that are contradictory to or inconsistent with this chapter.

194-D:9 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, necessary to administer the provisions of this chapter.

194-D:10 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid , such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

3 Report by Department of Education: Parental Choice Scholarship Program. The department of education shall report annually to the house and senate education committees on the parental choice scholarship program. Each report shall be submitted by November 1 and shall include, but not be limited to, the number of parental choice scholarships granted in each school district, test results of parental choice scholarship students, a statistical analysis of the incomes of parents receiving parental choice scholarships, and any information specifically requested by the committee chairpersons.

4 Effective Date. This act shall take effect July 1, 2000.

Adopted.

Rep. John White spoke against and yielded to questions.

Rep. Cox spoke in favor and yielded to questions.

Reps. Vivian Clark and O'Hearn spoke in favor.

Rep. O'Hearn requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 172 NAYS 171**

**YEAS 172**

**BELKNAP**

Bartlett, Gordon  
Lawton, David  
Turner, Robert

Boriso, Thomas  
Rice, Thomas  
Wendelboe, Francine

Boyce, Robert  
Rosen, Ralph

Czech, Stanley  
Thomas, John

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Philbrick, Donald

Bradley, Jeb  
Kenney, Joseph  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry  
Torresen, Gary

Dickinson, Howard  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Davis, Perley  
Tholl, John, Jr

Guay, Lawrence  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Ward, Brien

Alger, John  
Eaton, Stephanie  
Johnson, Gary  
Weber, Phil

Brothers, Richard  
Gilman, G Michael  
Mirski, Paul

Densmore, Jessica  
Harmon, Hobart  
Picconi, Al

**HILLSBOROUGH**

Alukonis, David  
Bergeron, Lucien  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Jean, Loren  
Lefebvre, Roland  
Martel, Andre  
Moran, Edward  
Pepino, Leo  
Sarette, John  
Wall, Nancy

Arnold, Thomas, Jr  
Bergin, Peter  
Carlson, Donald  
Dalianis, Griffin  
Durham, Susan  
Fields, Dennis  
Goulet, Maurice  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
White, Donald

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Daniels, Gary  
Dyer, Merton  
Fletcher, Richard  
Herman, Keith  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Ouellette, Dean  
Reeves, Sandra  
Tate, Joan  
Withee, Dennis

Belvin, William  
Bruno, Pierre  
Christiansen, Lars  
Desmarais, Vivian  
Emerton, Lawrence  
Flora, Kathleen  
Holley, Sylvia  
LaRose, Richard  
MacGillivray, Jeffrey  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Larrabee, David, Sr  
Whalley, Michael

Asplund, Bronwyn  
Lavoie, Gerard

Hoadley, Elizabeth  
Leber, William

Kennedy, Richard  
Maxfield, Roy

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
Dearborn, Bruce  
Gibbons, Paul  
Hamel, Albert  
Letourneau, Robert  
Mikowski, Walter  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Sytek, Donna  
Weare, Everett

Belanger, Ronald  
Corbin, C David  
Dunham, Vivian  
Gleason, John  
Henderson, Warren  
Lovejoy, Marian  
Moore, Benjamin  
Priestley, Anne  
Raynowska, Bernard  
Sapareto, Frank  
Tufts, J Arthur  
Welch, David

Bishop, Franklin  
Cox, Russell  
Flanders, David  
Grant, Kenneth  
Johnson, Robert  
Major, Norman  
Morse, Charles  
Putnam, Ed, II  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Case, Margaret  
Dalrymple, Janeen  
Flanders, John, Sr  
Griffin, Mary  
Langley, Jane  
McKinney, Betsy  
Noyes, Richard  
Quandt, Marshall  
Rubin, George  
Stritch, C Donald  
Verani, Giovanni  
Whittier, John

**STRAFFORD**

Bickford, David  
Rollo, Michael  
Woods, Phyllis

Brown, George  
Spang, Judith

Cossette, Larry  
Spear, Barbara

McKinley, Robert  
Torr, Franklin

**SULLIVAN**

Kibbey, David

Leone, Richard

McIntyre, Sara

Young, David

**NAYS 171****BELKNAP**

Holbrook, Robert  
Salatiello, Thomas

Johnson, James  
Wood, Jane

Millham, Alida

Pilliod, James

**CARROLL**

Lyman, L Randy

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Zerba, Roger

**COOS**

Glines, Sara	Hawkinson, Marie	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Cobb, John	Copenhaver, Marion	Guest, Robert
Hall, David	Marshall, Gene	Phinney, William	

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Beaupre, Roland	Buckley, Raymond	Burkush, James	Cote, David
Coughlin, Pamela	Craig, James	Curran, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A	Dwyer, Paul, Sr	Ford, Nancy
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lynde, Harold	McCarthy, William
McDonald, James, Sr	Melcher, Harold	Mercer, Robert	Messier, Irene
Moriarty, Mary	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
Reidy, Frank	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Hager, Elizabeth	Jacobson, Alf	Langer, Ray
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Moore, Carol
Nichols, Avis	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Beaulieu, Jon	Christie, Andrew, Jr	Clark, Martha	Cooney, Richard
DiFruscia, Anthony	Dolan, Richard	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Francoeur, Sheila	Hutchinson, Karen	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Langone, John
Norelli, Terie	O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Vaughn, Charles	Zolla, William	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Grassie, Anne	Heon, Richard	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Twardus, Joseph	Vincent, Francis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

and the majority report was adopted.  
Ordered to third reading.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. O'Hearn moved that the House reconsider its action whereby it ordered to third reading. *HB 633-FN-L*, establishing parental choice scholarships, and spoke against.

Rep. Claudette Jean requested a roll call; sufficiently seconded.

**YEAS 175 NAYS 167****YEAS 175****BELKNAP**

Holbrook, Robert	Johnson, James	Millham, Alida	Pilliod, James
Salatiello, Thomas	Wood, Jane		

**CARROLL**

Lyman, L Randy

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lerandean, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Zerba, Roger

**COOS**

Glines, Sara	Hawkinson, Marie	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Cobb, John	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	Hall, David	Marshall, Gene	Phinney, William

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Beaupre, Roland	Bergeron, Lucien	Bergin, Peter	Buckley, Raymond
Burkush, James	Cote, David	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A
Dwyer, Paul, Sr	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
LaPorte, George	Lasky, Bette	Leishman, Peter	Leonard, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	McDonald, James, Sr
Melcher, Harold	Mercer, Robert	Messier, Irene	Moriarty, Mary
Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy	Reidy, Frank
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Jacobson, Alf	Langer, Ray	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Moore, Carol	Nichols, Avis

Owen, Derek  
Rodd, Beth  
Wallin, Jean

Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Poulin, Dave  
St Cyr, Gerard  
Whitemore, James

Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

### ROCKINGHAM

Beaulieu, Jon  
Dolan, Richard  
Hutchinson, Karen  
Kelley, Jane  
O'Neil, Michael  
Schanda, Frank  
Stone, Joseph

Clark, Martha  
Downing, Michael  
Hutchinson, Rebecca  
Kobel, Rudolph  
Pantelakos, Laura  
Shelton, Richard  
Vaughn, Charles

Cooney, Richard  
Fesh, Robert  
Johnson, Robert  
Langone, John  
Pitts, Jacqueline  
Shultis, Elizabeth  
Zolla, William

DiFruscia, Anthony  
Francoeur, Sheila  
Kane, Cecelia  
Norelli, Terie  
Sapareto, Frank  
Splaine, James

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Rogers, Rose Marie  
Taylor, Kathleen

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Twardus, Joseph

Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Smith, Marjorie  
Vincent, Francis

Callaghan, Frank  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Wall, Janet

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Tuthill, John

Burling, Peter  
Jones, Constance  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Donovan, Thomas, Jr  
Robb-Theroux, Amy

### NAYS 167

### BELKNAP

Bartlett, Gordon  
Lawton, David  
Turner, Robert

Boriso, Thomas  
Rice, Thomas  
Wendelboe, Francine

• Boyce, Robert  
Rosen, Ralph

Czech, Stanley  
Thomas, John

### CARROLL

Babson, David, Jr  
Howard, Godfrey  
Philbrick, Donald

Bradley, Jeb  
Kenney, Joseph  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry  
Torressen, Gary

Dickinson, Howard  
Patten, Betsey

### CHESHIRE

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

### COOS

Davis, Perley  
Tholl, John, Jr

Guay, Lawrence  
Woodward, David

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
Johnson, Gary  
Weber, Phil

Alger, John  
Gillman, G Michael  
Mirski, Paul

Brothers, Richard  
Harmon, Hobart  
Picconi, Al

Dudley, Terri  
Hinman, Harry  
Ward, Brian

### HILLSBOROUGH

Alukonis, David  
Brundige, Robert  
Chabot, Robert  
Daniels, Gary

Arnold, Thomas, Jr  
Bruno, Pierre  
Christiansen, Lars  
Desmarais, Vivian

Batula, Peter  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Desrosiers, William

Belvin, William  
Carlson, Donald  
Dalianis, Griffin  
Durham, Susan



Dyer, Merton  
Fletcher, Richard  
Herman, Keith  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Ouellette, Dean  
Reeves, Sandra  
Tate, Joan  
Withee, Dennis

Emerton, Lawrence  
Flora, Kathleen  
Holley, Sylvia  
LaRose, Richard  
MacGillivray, Jeffrey  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Thulander, O Alan

Fenton, James  
Gagnon, Eugene  
Jean, Loren  
Lefebvre, Roland  
Martel, Andre  
Moran, Edward  
Pepino, Leo  
Sarette, John  
Wall, Nancy

Fields, Dennis  
Goulet, Maurice  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
White, Donald

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Maxfield, Roy

Asplund, Bronwyn  
Larrabee, David, Sr  
Whalley, Michael

Hager, Elizabeth  
Lavoie, Gerard

Hoadley, Elizabeth  
Leber, William

### ROCKINGHAM

Arndt, Janet  
Clark, Vivian  
Dearborn, Bruce  
Flanders, John, Sr  
Griffin, Mary  
Letourneau, Robert  
Mikowski, Walter  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Corbin, C David  
Dunham, Vivian  
Gibbons, Paul  
Hamel, Albert  
Lovejoy, Marian  
Moore, Benjamin  
Priestley, Anne  
Raynowska, Bernard  
Stickney, Nancy  
Verani, Giovanni  
Whittier, John

Bishop, Franklin  
Cox, Russell  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Major, Norman  
Morse, Charles  
Putnam, Ed, II  
Reardon, Neil  
Stritch, C Donald  
Weare, Everett

Case, Margaret  
Dalrymple, Janeen  
Flanders, David  
Grant, Kenneth  
Langley, Jane  
McKinney, Betsy  
Noyes, Richard  
Quandt, Marshall  
Rubin, George  
Tufts, J Arthur  
Welch, David

### STRAFFORD

Bickford, David  
Spang, Judith

Brown, George  
Spear, Barbara

Cossette, Larry  
Torr, Franklin

McKinley, Robert  
Woods, Phyllis

### SULLIVAN

Kibbey, David

Leone, Richard

McIntyre, Sara

Young, David

and reconsideration prevailed.

The question now being the adoption of the committee report.

Rep. Franks requested a roll call; sufficiently seconded.

### YEAS 172 NAYS 171

### YEAS 172

### BELKNAP

Bartlett, Gordon  
Lawton, David  
Turner, Robert

Boriso, Thomas  
Rice, Thomas  
Wendelboe, Francine

Boyce, Robert  
Rosen, Ralph

Czech, Stanley  
Thomas, John

### CARROLL

Babson, David, Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry  
Torressen, Gary

### CHESHIRE

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Davis, Perley  
Tholl, John, Jr

Guay, Lawrence  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Weber, Phil

Alger, John  
Eaton, Stephanie  
Johnson, Gary

Brothers, Richard  
Gilman, G Michael  
Picconi, Al

Densmore, Jessica  
Harmon, Hobart  
Ward, Brian

**HILLSBOROUGH**

Alukonis, David  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Jean, Loren  
Lefebvre, Roland  
Martel, Andre  
Milligan, Robert  
Ouellette, Dean  
Reeves, Sandra  
Tate, Joan  
Wither, Dennis

Arnold, Thomas, Jr  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Durham, Susan  
Fields, Dennis  
Goulet, Maurice  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Thulander, O Alan

Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Dyer, Merton  
Fletcher, Richard  
Herman, Keith  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sarette, John  
Wall, Nancy

Belvin, William  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Desmarais, Vivian  
Emerton, Lawrence  
Flora, Kathleen  
Holley, Sylvia  
LaRose, Richard  
MacGillivray, Jeffrey  
McRae, Karen  
O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
White, Donald

**MERRIMACK**

Anderson, Eric  
Langer, Ray  
Maxfield, Roy

Asplund, Bronwyn  
Larrabee, David, Sr  
Whalley, Michael

Headley, Elizabeth  
Lavoie, Gerard

Kennedy, Richard  
Leber, William

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
Dearborn, Bruce  
Gibbons, Paul  
Hamel, Albert  
Lovejoy, Marian  
Moore, Benjamin  
Priestley, Anne  
Raynowska, Bernard  
Sapareto, Frank  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Corbin, C David  
Dunham, Vivian  
Gleason, John  
Henderson, Warren  
Major, Norman  
Morse, Charles  
Putnam, Ed, II  
Reardon, Neil  
Stickney, Nancy  
Verani, Giovanni  
Whittier, John

Bishop, Franklin  
Cox, Russell  
Flanders, David  
Grant, Kenneth  
Langley, Jane  
McKinney, Betsy  
Noyes, Richard  
Quandt, Marshall  
Rubin, George  
Stritch, C Donald  
Weare, Everett

Case, Margaret  
Dalrymple, Janeen  
Flanders, John, Sr  
Griffin, Mary  
Letourneau, Robert  
Mikowski, Walter  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

**STRAFFORD**

Bickford, David  
Spang, Judith

Brown, George  
Spear, Barbara

Cossette, Larry  
Torr, Franklin

McKinley, Robert  
Woods, Phyllis

**SULLIVAN**

Kibbey, David

Leone, Richard

McIntyre, Sara

Young, David

**NAYS 171****BELKNAP**

Holbrook, Robert  
Salatiello, Thomas

Johnson, James  
Wood, Jane

Millham, Alida

Pilliod, James

**CARROLL**

Lyman, L Randy

**CHESHIRE**

Batchelder, Robert  
 Lynch, Margaret  
 Meader, David  
 Riley, William

Blaisdell, Michael  
 Lynott, Margaret  
 Mitchell, McKim  
 Robertson, Timothy

Burnham, Daniel  
 Manning, Joseph  
 Pratt, John  
 Russell, Ronald

Lerandeau, Alfred  
 McGuirk, Paul  
 Richardson, Barbara  
 Zerba, Roger

**COOS**

Glimes, Sara

Hawkinson, Marie

Rodrigue, Robert

**GRAFTON**

Amy, Susan  
 Hall, David

Cobb, John  
 Marshall, Gene

Copenhaver, Marion  
 Mirski, Paul

Guest, Robert  
 Phinney, William

**HILLSBOROUGH**

Ahern, Richard  
 Beaupre, Roland  
 Cote, David  
 Dokmo, Cynthia  
 Foster, Linda  
 Ginsburg, Ruth  
 Hall, Betty  
 Keye, Harvey  
 Leishman, Peter  
 McCarthy, William  
 Messier, Irene  
 Reidy, Frank  
 White, John

Andrews, Frederick  
 Bergeron, Lucien  
 Craig, James  
 Drabinowicz, A  
 Franks, Suzan  
 Goley, Jeffrey  
 Hansen, Herbert  
 Kony, Christine  
 Leonard, Peter  
 McDonald, James, Sr  
 Moriarty, Mary  
 Simon, Anthony

Arthur, Rose  
 Buckley, Raymond  
 Curran, James  
 Dwyer, Paul, Sr  
 Gagnon, Paul  
 Gorman, Mary  
 Jean, Claudette  
 LaPorte, George  
 Lynde, Harold  
 Melcher, Harold  
 Murphy, Robert  
 Turgeon, Roland

Baroody, Benjamin  
 Burkush, James  
 Daigle, Robert  
 Ford, Nancy  
 Garrish, Linda  
 Haettenschwiller, Alphonse  
 Johnson, Lionel  
 Lasky, Bette  
 Martin, Mary  
 Mercer, Robert  
 O'Connell, Timothy  
 Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace  
 Davis, Francis  
 French, Barbara  
 Marple, Richard  
 Owen, Derek  
 Rodd, Beth  
 Wallin, Jean

Brewster, Richard  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Marshall, Kenneth  
 Potter, Frances  
 Seldin, Gloria  
 Wallner, Mary Jane

Chase, George  
 Fortnam, Janet  
 Jacobson, Alf  
 Moore, Carol  
 Poulin, Dave  
 St Cyr, Gerard  
 Whittemore, James

Daneault, Gabriel  
 Fraser, Marilyn  
 Lockwood, Priscilla  
 Nichols, Avis  
 Reardon, Tara  
 Virtue, Carolyn  
 Yeaton, Charles

**ROCKINGHAM**

Beaulieu, Jon  
 Dolan, Richard  
 Francoeur, Sheila  
 Kane, Cecelia  
 Norelli, Terie  
 Schanda, Frank  
 Stone, Joseph

Clark, Martha  
 Downing, Michael  
 Hutchinson, Karen  
 Kelley, Jane  
 O'Neil, Michael  
 Shelton, Richard  
 Vaughn, Charles

Cooney, Richard  
 Fesh, Robert  
 Hutchinson, Rebecca  
 Kobel, Rudolph  
 Pantelakos, Laura  
 Shultis, Elizabeth  
 Zolla, William

DiFruscia, Anthony  
 Flanagan, Natalie  
 Johnson, Robert  
 Langone, John  
 Pitts, Jacqueline  
 Splaine, James

**STRAFFORD**

Berube, Roger  
 DeChane, Marlene  
 Grassie, Anne  
 Knowles, William  
 Rogers, Rose Marie  
 Taylor, Kathleen

Brennan, William  
 Dunlap, Patricia  
 Heon, Richard  
 Lent, Donald  
 Rollo, Michael  
 Twardus, Joseph

Brown, Julie  
 Estabrook, Iris  
 Kaen, Naida  
 Lundborn, Raymond  
 Smith, Marjorie  
 Vincent, Francis

Callaghan, Frank  
 Gilmore, Gary  
 Keans, Sandra  
 Pelletier, Arthur  
 Snyder, Charles  
 Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

and the report was adopted.  
Ordered to third reading.

**MOTION TO LAY ON THE TABLE**

Rep. Burling moved that **HB 633-FN-L**, establishing parental choice scholarships, be laid on the table.  
Rep. Burling requested a roll call; sufficiently seconded.

**YEAS 161 NAYS 182****YEAS 161****BELKNAP**

Holbrook, Robert	Johnson, James	Millham, Alida	Pilliod, James
Salatiello, Thomas	Wood, Jane		

**CARROLL**

None

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Zerba, Roger

**COOS**

Glines, Sara	Hawkinson, Marie	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Cobb, John	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	Mirski, Paul	Phinney, William	

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Buckley, Raymond	Burkush, James	Cote, David
Craig, James	Curran, James	Daigle, Robert	Drabinowicz, A
Dwyer, Paul, Sr	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Kony, Christine	LaPorte, George
Lasky, Bette	Leonard, Peter	Lynde, Harold	Martin, Mary
McCarthy, William	McDonald, James, Sr	Melcher, Harold	Messier, Irene
Moriarty, Mary	Murphy, Robert	O'Connell, Timothy	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Jacobson, Alf	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Moore, Carol	Nichols, Avis	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Clark, Martha	Cooney, Richard	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Langone, John
Norelli, Terie	O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Vaughn, Charles	Zolla, William	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Grassie, Anne	Heon, Richard	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Twardus, Joseph	Vincent, Francis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

**NAYS 182****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Lawton, David	Rice, Thomas	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torresen, Gary

**CHESHIRE**

Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

**COOS**

Davis, Perley	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Hall, David	Harmon, Hobart
Hinman, Harry	Johnson, Gary	Marshall, Gene	Picconi, Al
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Gagnon, Eugene	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland

Leishman, Peter  
Martel, Andre  
Mercer, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Tate, Joan  
Withee, Dennis

Lessard, Rudy  
McCarty, Winston  
Milligan, Robert  
Ouellette, Dean  
Reeves, Sandra  
Thulander, O Alan

Lozeau, Donnalee  
McGough, Tim  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Wall, Nancy

MacGillivray, Jeffrey  
McRae, Karen  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Leber, William

Asplund, Bronwyn  
Langer, Ray  
Maxfield, Roy

Hager, Elizabeth  
Larrabee, David, Sr  
Whalley, Michael

Hoadley, Elizabeth  
Lavoie, Gerard

### ROCKINGHAM

Arndt, Janet  
Case, Margaret  
Dalrymple, Janeen  
Dunham, Vivian  
Gibbons, Paul  
Hamel, Albert  
Lovejoy, Marian  
Moore, Benjamin  
Priestley, Anne  
Raynowska, Bernard  
Sapareto, Frank  
Varrell, Thomas  
Weyler, Kenneth

Beaulieu, Jon  
Clark, Vivian  
Dearborn, Bruce  
Flanders, David  
Gleason, John  
Henderson, Warren  
Major, Norman  
Morse, Charles  
Putnam, Ed, II  
Reardon, Neil  
Stickney, Nancy  
Verani, Giovanni  
Whittier, John

Belanger, Ronald  
Corbin, C David  
DiFruscia, Anthony  
Flanders, John, Sr  
Grant, Kenneth  
Langley, Jane  
McKinney, Betsy  
Noyes, Richard  
Quandt, Marshall  
Rubin, George  
Stritch, C Donald  
Weare, Everett

Bishop, Franklin  
Cox, Russell  
Dolan, Richard  
Francoeur, Sheila  
Griffin, Mary  
Letourneau, Robert  
Mikowski, Walter  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

### STRAFFORD

Bickford, David  
Spang, Judith

Brown, George  
Spear, Barbara

Cossette, Larry  
Torr, Franklin

McKinley, Robert  
Woods, Phyllis

### SULLIVAN

Kibbey, David

Leone, Richard

McIntyre, Sara

Young, David

and the motion failed.

### RECESS

### (Speaker Sytek in the Chair)

### RESOLUTION

Reps. Chandler and Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 300, shall be by this resolution read a first and second time by the therein listed title and referred to the Committee on Finance.

Adopted.

### INTRODUCTION OF HOUSE BILL

#### First and second reading

**HB 300**, making technical corrections to 1999, HB 117. (Chandler, Carr 1; Burling, Sull 1)

### MOTION TO SUSPEND RULES

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit the Finance Committee to hold a hearing without the proper notice on **HB 300**, making technical corrections to 1999 HB 117.

Reps. Vaillancourt and Mirski spoke against.

Reps. Burling and Lozeau spoke in favor and yielded to questions.

Rep. Chandler requested a roll call; sufficiently seconded.

**YEAS 219 NAYS 122****YEAS 219****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Millham, Alida
Pilliod, James	Rice, Thomas	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torressen, Gary

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Hunt, John
Meador, David	Riley, William	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

**COOS**

Guay, Lawrence	Merrill, Gerald	Pratt, Leighton	Troll, John, Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Harmon, Hobart	Marshall, Gene
Phinney, William	Picconi, Al	Ward, Brien	

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Batula, Peter	Belvin, William	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Calawa, Leon, Jr	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr	Cote, David
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Flora, Kathleen
Ford, Nancy	Foster, Linda	Gagnon, Eugene	Ginsburg, Ruth
Goley, Jeffrey	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Jean, Loren	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lefebvre, Roland	Leishman, Peter	Lessard, Rudy
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	McCarty, Winston
McGough, Tim	Mercer, Robert	Milligan, Robert	Moran, Edward
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sarette, John	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Wall, Nancy	White, Donald
Withee, Dennis			

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Feuerstein, Martin	Fortnam, Janet
Hess, David	Hoadley, Elizabeth	Kennedy, Richard	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Marshall, Kenneth	Maxfield, Roy
Nichols, Avis	Poulin, Dave	Rodd, Beth	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
 Christie, Andrew, Jr  
 Cox, Russell  
 Dolan, Richard  
 Flanders, David  
 Gleason, John  
 Johnson, Robert  
 Major, Norman  
 Noyes, Richard  
 Quandt, Marshall  
 Schanda, Frank  
 Stritch, C Donald  
 Weare, Everett  
 Zolla, William

Beaulieu, Jon  
 Clark, Martha  
 Dalrymple, Janeen  
 Downing, Michael  
 Flanders, John, Sr  
 Griffin, Mary  
 Kobel, Rudolph  
 McKinney, Betsy  
 O'Neil, Michael  
 Rabideau, Marie  
 Shelton, Richard  
 Tufts, J Arthur  
 Welch, David

Belanger, Ronald  
 Clark, Vivian  
 Dearborn, Bruce  
 Dunham, Vivian  
 Francoeur, Sheila  
 Hamel, Albert  
 Langone, John  
 Mikowski, Walter  
 Packard, Sherman  
 Reardon, Neil  
 Stickney, Nancy  
 Varrell, Thomas  
 Weyler, Kenneth

Bishop, Franklin  
 Cooney, Richard  
 DiFruscia, Anthony  
 Flanagan, Natalie  
 Gibbons, Paul  
 Henderson, Warren  
 Letourneau, Robert  
 Morse, Charles  
 Priestley, Anne  
 Ruffner, Walter  
 Stone, Joseph  
 Verani, Giovanni  
 Whittier, John

**STRAFFORD**

Berube, Roger  
 Lundborn, Raymond  
 Spear, Barbara  
 Wall, Janet

Cossette, Larry  
 McKinley, Robert  
 Torr, Franklin  
 Woods, Phyllis

Kaen, Naida  
 Rogers, Rose Marie  
 Tsiros, William

Knowles, William  
 Spang, Judith  
 Vincent, Francis

**SULLIVAN**

Burling, Peter  
 Kibbey, David  
 Wiggins, Celestine

Cloutier, John  
 Leone, Richard  
 Young, David

Flint, Gordon, Sr  
 McIntyre, Sara

Jones, Constance  
 Robb-Theroux, Amy

**NAYS 122****BELKNAP**

Salatiello, Thomas

**CARROLL**

Babson, David, Jr

**CHESHIRE**

Blaisdell, Michael  
 Manning, Joseph  
 Richardson, Barbara

Lerandeau, Alfred  
 McGuirk, Paul  
 Robertson, Timothy

Lynch, Margaret  
 Mitchell, McKim  
 Russell, Ronald

Lynott, Margaret  
 Pratt, John  
 Zerba, Roger

**COOS**

Davis, Perley

Hawkinson, Marie

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
 Guest, Robert  
 Mirski, Paul

Copenhaver, Marion  
 Hall, David  
 Weber, Phil

Densmore, Jessica  
 Hinman, Harry

Gilman, G Michael  
 Johnson, Gary

**HILLSBOROUGH**

Arthur, Rose  
 Craig, James  
 Dwyer, Paul, Sr  
 Gorman, Mary  
 LaPorte, George  
 McCarthy, William  
 Messier, Irene  
 Vaillancourt, Steve

Beaupre, Roland  
 Curran, James  
 Fletcher, Richard  
 Hall, Betty  
 Lasky, Bette  
 McDonald, James, Sr  
 Moriarty, Mary  
 White, John

Bergeron, Lucien  
 Daigle, Robert  
 Gagnon, Paul  
 Herman, Richard  
 Leonard, Peter  
 McRae, Karen  
 Reidy, Frank

Burkush, James  
 Drabinowicz, A  
 Garrish, Linda  
 Jean, Claudette  
 Martin, Mary  
 Melcher, Harold  
 Simon, Anthony



**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fraser, Marilyn	French, Barbara
Jacobson, Alf	Langer, Ray	Lockwood, Priscilla	Marple, Richard
Moore, Carol	Owen, Derek	Potter, Frances	Rearidon, Tara
Seldin, Gloria	Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Case, Margaret	Fesh, Robert	Grant, Kenneth	Hutchinson, Karen
Hutchinson, Rebecca	Kane, Cecelia	Langley, Jane	Lovejoy, Marian
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed, II
Raynowska, Bernard	Rubin, George	Sapareto, Frank	Shultis, Elizabeth
Splaine, James	Vaughn, Charles		

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Taylor, Kathleen	Twardus, Joseph	

**SULLIVAN**

Allison, David	Donovan, Thomas, Jr	Phinizy, James	Tuthill, John
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and the motion failed lacking the necessary two-thirds.

**REGULAR CALENDAR (CONT'D.)**

**HB 690-FN-L**, relative to establishing a state board for charter schools. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Warren Henderson for the Majority of Education: As amended, this bill creates an alternative method by which charter schools may be created. The alternative method routes the approval process through the State Board of Education and opens the opportunity to attend to any pupil in the state. Limitations are required in the original law, so no one district is adversely affected. The committee has taken exhaustive testimony for some time, as to the lengthy process needed to create a charter school. It seems clear that if we are to gauge through actual experience the impact of charter schools, we must provide a workable approval process. The process created by this bill involves input by both local and state authorities and provides that the bulk of the approval process may be conducted by the State Board of Education. The bill preserves the original method of gaining approval for a charter school as well. Vote 11-9.

Rep. Charles B. Yeaton for the Minority of Education: This bill permits the establishment of a charter school without the approval of the local school district, thereby overruling local control. While the money for the charter schools is said to be state funds, that money will come from the local districts' allotment as provided by the Claremont settlement.

**Amendment (1209h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to charter schools and open enrollment districts.

Amend the bill by replacing all after the enacting clause with the following:

1 Open Enrollment and Charter Schools; Admission Preference Amended. Amend RSA 194-B:2, VIII to read as follows:

VIII. [A] *Any* pupil who meets the admission requirements of an open enrollment or charter school~~[-and who is a resident of the district where the school is located;]~~ shall be ~~[given absolute admission preference over a nonresident pupil]~~ *admitted to the open enrollment or charter school*. Once admitted and unless expelled, open enrollment and charter school pupils need not reapply for admission for subsequent years.

2 New Paragraph; Charter Schools; Establishment and Application Procedures Amended. Amend RSA 194-B:3 by inserting after paragraph I the following new paragraph:

1-a. Persons eligible to submit an application to establish a charter school under this chapter shall have the option of initiating a charter school application with the school board of the district in which the charter school intends to be located or, in the alternative, with the state board of education.

3 Charter Schools; Establishment and Application; Role of State Board of Education. Amend the introductory paragraph of RSA 194-B:3, II to read as follows:

II. Except as expressly provided in this chapter, the duty and role of the local school board *and the state board* relative to the establishment of a charter school shall be ~~[in good faith]~~ to approve or disapprove the proposed charter school application based upon whether or not the proposed application contains ~~[and appropriately addresses these]~~ *in specific detail the following* required elements:

4 Charter Schools; Establishment and Application Procedures Amended. Amend the introductory paragraph of RSA 194-B:3, II (cc) to read as follows:

(cc) In addition to an application, each charter school applicant, in consultation with *either* the local school board *or the state board depending on which body receives the charter school applicant's initial application*, shall prepare a proposed contract. The contract shall include, but shall not be limited to, the following elements:

5 Charter Schools; Establishment and Application Procedures Amended. Amend RSA 194-B:3, III (a)-(d) to read as follows:

(a) Applications for approval of a charter school shall not be submitted to the school board *or to the state board* until the provisions of RSA 194-B:4, I(d)(1) have been adopted by the school district legislative body.

(b) Proposed applications and contracts to establish a charter school shall be presented by July 1 of the year preceding intended operation of the charter school by its prospective board of trustees to the school board of the district in which the charter school intends to be located *or to the state board, depending on which body the applicants select to review the initial charter school application*.

(c) By September 15 of the given year, the school board *or the state board* shall have completed its review of the proposed application and shall have granted or denied its approval. In its review the school board *or state board* shall grant or deny the proposed application, using as its criteria whether or not the proposed application and contract contain and address the elements required under RSA 194-B:3, II. The school board *or state board* reserves the right to suggest amendments or additions to the proposed application as it deems necessary to assure its completeness and compliance with this chapter. ~~[The]~~ *For those applications initiated with the school board, the* school board shall forward the proposed application and contract, along with its approval or denial and a written statement specifying any areas deemed deficient, to the state board and to the applicant's prospective board of trustees. *Applications initiated with the state board shall be retained by the state board and reviewed pursuant to RSA 194-B:3, III(d).*

(d) By December 31 of the given year, the state board shall have reviewed ~~[the]~~ *all* proposed ~~[application]~~ *applications* and shall grant or deny ~~[the]~~ *such* proposed ~~[application]~~ *applications*, using as its criteria whether or not the proposed ~~[application contains and addresses]~~ *applications contain and address* the elements required under RSA 194-B:3, II. The state board reserves the right to suggest amendments or additions to ~~[the]~~ *any* proposed application as it deems necessary to assure ~~[its]~~ completeness and compliance with this chapter. Application disapprovals shall include a written statement specifying areas deemed deficient. The state board shall promptly notify the prospective board of trustees and the school board of its decision in writing. For any applicant charter school whose proposed application is deemed complete and is approved by the state board, the state board shall issue a charter enabling the formation and operation of the charter school.

6 Charter Schools; Establishment and Application Procedures Amended. Amend RSA 194-B:3, XI to read as follows:

XI.(a) A charter grantee may apply to the school board *or state board* for amendment to its application and contract, which shall be granted or denied within 30 days at the ~~[school board's]~~ discretion *of the school board or state board*. The school board *or state board* shall notify the school

in writing of the decision to grant or deny the proposed amendment, providing reasons for the decision. An approved amended contract shall be promptly signed by the school board within one month of approval.

(b) A charter grantee may appeal the denial *by the school board* of a proposed application and contract amendment to the state board. The state board shall review the proposed amendment and within 30 days shall notify the school ~~[and the school board]~~ in writing of the decision to grant or deny the amendment, providing reasons for the decision. *For applications initiated with the state board, the school may, in writing, petition the state board to reconsider its decision to deny a proposed application and contract amendment. Upon granting reconsideration, the state board shall within 30 days notify the school in writing of its reconsideration decision on the proposed amendment, providing reasons for the decision.*

(c) Within one month of receipt of a notice of approval from the state board ~~[on appeal from a school board denial]~~, the school board shall promptly execute the proposed amended contract.

(d) ~~[When executed]~~ *Upon execution* by the school board, an appealed amended application and contract shall be submitted promptly to the school district legislative body for subsequent ratification or denial without amendment, which decision shall be final. The ratification question shall be placed on the warrant of the next special or annual school district meeting. In districts without annual meetings, the legislative body shall have final authority to ratify or deny the proposed amended application and contract.

9 Charter Schools; Funding Provisions Amended. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school, the pupil's resident district shall pay to such school an amount equal to ~~[not less than 80 percent of that district's average cost per pupil]~~ *the per pupil adequate education cost* as ~~[determined by the department of education using the most recent available data as reported by the district to the department]~~ *established in RSA 198:40*. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, funding for a pupil attending a charter or open enrollment school shall be paid on the same time schedule as the resident district, or on such other terms as the school and the funding source may find mutually acceptable.

10 Repeal. RSA 194-B:3, IV(a) and (b), relative to an appeal from a denial of a charter school application by a school board is repealed.

11 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill amends the current law relative to establishment and application procedures for charter schools by authorizing a proposed charter school application to be submitted directly to the state board of education. The bill also provides that the payment for all pupils attending a charter school shall be equal to the per pupil adequate education cost.

Adopted.

Rep. Yeaton spoke against.

Rep. O'Hearn spoke in favor and yielded to questions.

Rep. O'Hearn requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 176 NAYS 163**

**YEAS 176**

**BELKNAP**

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph

Boriso, Thomas  
Lawton, David  
Thomas, John

Boyce, Robert  
Pilliod, James  
Wendelboe, Francine

Czech, Stanley  
Rice, Thomas

**CARROLL**

Babson, David, Jr  
Kenney, Joseph  
Patten, Betsey

Bradley, Jeb  
Lyman, L Randy  
Philbrick, Donald

Chandler, Gene  
MacDonald, Kenneth  
Torresen, Gary

Howard, Godfrey  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Davis, Perley  
Woodward, David

Guay, Lawrence

Merrill, Gerald

Tholl, John, Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Ward, Brien

Alger, John  
Eaton, Stephanie  
Johnson, Gary  
Weber, Phil

Brothers, Richard  
Gilman, G Michael  
Mirski, Paul

Cobb, John  
Harmon, Hobart  
Picconi, Al

**HILLSBOROUGH**

Alukonis, David  
Brundige, Robert  
Christiansen, Lars  
Dalianis, Griffin  
Dyer, Merton  
Flora, Kathleen  
Hansen, Herbert  
Kurk, Neal  
Lozeau, Donnalee  
McGough, Tim  
O'Hearn, Jane  
Reeves, Sandra  
Tate, Joan  
Withee, Dennis

Arnold, Thomas, Jr  
Bruno, Pierre  
Clegg, Robert, Jr  
Daniels, Gary  
Emerton, Lawrence  
Ford, Nancy  
Herman, Keith  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McRae, Karen  
Ouellette, Dean  
Rowe, Robert  
Thulander, O Alan

Batula, Peter  
Calawa, Leon, Jr  
Coughlin, Pamela  
Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Holley, Sylvia  
Lefebvre, Roland  
Martin, Mary  
Mercer, Robert  
Pappas, Marc  
Sarette, John  
Wall, Nancy

Belvin, William  
Chabot, Robert  
Daigle, Robert  
Durham, Susan  
Fields, Dennis  
Goulet, Maurice  
Jean, Loren  
Lessard, Rudy  
McCarty, Winston  
Moran, Edward  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

**MERRIMACK**

Anderson, Eric  
Hoadley, Elizabeth  
Lavoie, Gerard  
Maxfield, Roy

Asplund, Bronwyn  
Kennedy, Richard  
Leber, William  
Rodd, Beth

Hager, Elizabeth  
Langer, Ray  
Marple, Richard  
Soltani, Tony

Hess, David  
Larrabee, David, Sr  
Marshall, Kenneth  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
Dolan, Richard  
Flanders, John, Sr  
Griffin, Mary  
Langley, Jane  
McKinney, Betsy  
Quandt, Marshall  
Rubin, George  
Stone, Joseph  
Verani, Giovanni  
Whittier, John

Beaulieu, Jon  
Cox, Russell  
Dunham, Vivian  
Gibbons, Paul  
Hamel, Albert  
Letourneau, Robert  
Mikowski, Walter  
Rabideau, Marie  
Ruffner, Walter  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Dalrymple, Janeen  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Lovejoy, Marian  
Morse, Charles  
Raynowska, Bernard  
Sapareto, Frank  
Tufts, J Arthur  
Welch, David

Bishop, Franklin  
Dearborn, Bruce  
Flanders, David  
Grant, Kenneth  
Kobel, Rudolph  
Major, Norman  
Packard, Sherman  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

**STRAFFORD**

Bickford, David	Brown, George	Cossette, Larry	Kaen, Naida
McKinley, Robert	Spang, Judith	Spear, Barbara	Torr, Franklin
Tsiros, William	Woods, Phyllis		

**SULLIVAN**

Kibbey, David	McIntyre, Sara	Robb-Theroux, Amy	Young, David
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**NAYS 163****BELKNAP**

Holbrook, Robert	Millham, Alida	Salatiello, Thomas	Turner, Robert
Wood, Jane			

**CARROLL**

Dickinson, Howard	Sullivan, P Judith
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**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Zerba, Roger

**COOS**

Hawkinson, Marie	Pratt, Leighton	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Ham, Bonnie	Marshall, Gene	Phinney, William

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Beaupre, Roland
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Burkush, James
Carlson, Donald	Cote, David	Craig, James	Curran, James
Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A	Dwyer, Paul, Sr
Fletcher, Richard	Foster, Linda	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Herman, Richard	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	LaRose, Richard
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lynde, Harold
McCarthy, William	Melcher, Harold	Messier, Irene	Milligan, Robert
Moriarty, Mary	Murphy, Robert	O'Connell, Timothy	Peterson, Andrew
Reidy, Frank	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Jacobson, Alf	Lockwood, Priscilla
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Case, Margaret	Christie, Andrew, Jr	Clark, Martha	Cooney, Richard
DiFruscia, Anthony	Downing, Michael	Fesh, Robert	Francoeur, Sheila
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia

Langone, John  
Pitts, Jacqueline  
Shelton, Richard

Norelli, Terie  
Priestley, Anne  
Shultis, Elizabeth

O'Neil, Michael  
Putnam, Ed, II  
Vaughn, Charles

Pantelakos, Laura  
Schanda, Frank

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Heon, Richard  
Lundborn, Raymond  
Rollo, Michael  
Twardus, Joseph

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Vincent, Francis

Brown, Julie  
Estabrook, Iris  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Gilmore, Gary  
Lent, Donald  
Rogers, Rose Marie  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Tuthill, John

Burling, Peter  
Jones, Constance  
Wiggins, Celestine

Cloutier, John  
Leone, Richard

Donovan, Thomas, Jr  
Phinizy, James

and the majority report was adopted.  
Ordered to third reading.

**HB 510-FN**, relative to monitoring aerial spraying of herbicides. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.**

Rep. David Scanlan for the Majority of Environment and Agriculture: The committee generally shares the concerns of the sponsors relative to the proper use of pesticides. However, this bill specifically targets the aerial spraying of pesticides, a forest management tool that is very important to the North Country timber industry. The large timber companies of the north adhere to the stringent requirements necessary for the proper application of pesticides on forestland. Any attempt to limit the ability of forest landowners to utilize this important tool should be carefully considered and based on solid information. The majority of the committee finds HB 510 inexpedient to legislate. Vote 13-5.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: The Environmental Protection Agency (EPA) has not re-registered insecticides, herbicides, fungicides, and rodenticides as mandated by the Food Quality Protection Act. New Hampshire can be more stringent than the EPA but they need to monitor the results of spraying to be able to develop management plans for the toxic chemicals being used.

Majority report adopted.

**HB 533-FN**, changing the composition of the liquor commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael O'Neil for the Majority of Executive Departments and Administration: Currently, the New Hampshire Liquor Commission has three full-time liquor commissioners. This bill would change the structure of the commission to one full-time commissioner with an annual salary of \$80,832 and two part-time commissioners with annual salaries of \$2,400. The majority of the committee agreed that the present three-member commission structure is working efficiently and profitably. Total sales increased \$14 million in fiscal year 1998, with a total net profit of \$66 million for the year. The majority feels that the present system of checks and balances enhance the effective operation of the Liquor Commission and that there is no compelling reason to change this structure. Vote 13-4.

Rep. Carolyn A. Virtue for the Minority of Executive Departments and Administration: The minority believes that the time has come to restructure the senior management of the liquor commission. The legislature owes a duty to the taxpayers of New Hampshire to see to it that our state agencies are run efficiently and well. We do not need three commissioners; we need a businesslike management plan that places control of the commission in the capable hands of a single commissioner. Two recent studies have recommended this, and it is time to make the move. The fiscal note demonstrates that we could save \$150,000 per year by doing so.

Rep. Virtue spoke against.

Rep. Burling spoke against and yielded to questions.

Reps. Dickinson and O'Neil spoke in favor and yielded to questions.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 197 NAYS 135****YEAS 197****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Rice, Thomas  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Millham, Alida  
Thomas, John

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Torressen, Gary

**CHESHIRE**

Avery, Stephen  
Smith, Edwin

Hunt, John

Roberts, William

Royce, H Charles

**COOS**

Davis, Perley  
Tholl, John, Jr

Guay, Lawrence  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Ward, Brien

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Weber, Phil

Brothers, Richard  
Gilman, G Michael  
Mirski, Paul

Cobb, John  
Hall, David  
Phinney, William

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Bruno, Pierre  
Clegg, Robert, Jr  
Desmarais, Vivian  
Emerton, Lawrence  
Gagnon, Eugene  
Holley, Sylvia  
LaRose, Richard  
Lozeau, Donnalee  
McRae, Karen  
O'Connell, Timothy  
Pepino, Leo  
Sargent, Maxwell  
Wall, Nancy

Andrews, Frederick  
Belvin, William  
Carlson, Donald  
Coughlin, Pamela  
Dokmo, Cynthia  
Fenton, James  
Goulet, Maurice  
Jean, Loren  
Lefebvre, Roland  
MacGillivray, Jeffrey  
Mercer, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Tate, Joan  
Withee, Dennis

Arnold, Thomas, Jr  
Bergin, Peter  
Chabot, Robert  
Dalianis, Griffin  
Durham, Susan  
Fields, Dennis  
Hansen, Herbert  
Kurk, Neal  
Leishman, Peter  
McCarty, Winston  
Milligan, Robert  
Ouellette, Dean  
Reeves, Sandra  
Thulander, O Alan

Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Daniels, Gary  
Dyer, Merton  
Ford, Nancy  
Herman, Keith  
L'Heureux, Robert  
Lessard, Rudy  
McGough, Tim  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Turgeon, Roland

**MERRIMACK**

Anderson, Eric  
Hoadley, Elizabeth  
Larrabee, David, Sr  
Marple, Richard  
Soltani, Tony

Asplund, Bronwyn  
Jacobson, Alf  
Lavoie, Gerard  
Marshall, Kenneth  
Whalley, Michael

Hager, Elizabeth  
Kennedy, Richard  
Leber, William  
Nichols, Avis

Hess, David  
Langer, Ray  
Lockwood, Priscilla  
Poulin, Dave

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
Dearborn, Bruce

Beaulieu, Jon  
Cooney, Richard  
DiFruscia, Anthony

Belanger, Ronald  
Cox, Russell  
Dolan, Richard

Christie, Andrew, Jr  
Dalrymple, Janeen  
Dunham, Vivian

Fesh, Robert  
 Francoeur, Sheila  
 Griffin, Mary  
 Johnson, Robert  
 Letourneau, Robert  
 Mikowski, Walter  
 Priestley, Anne  
 Raynowska, Bernard  
 Stickney, Nancy  
 Varrell, Thomas  
 Weyler, Kenneth

Flanagan, Natalie  
 Gibbons, Paul  
 Hamel, Albert  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Morse, Charles  
 Putnam, Ed, II  
 Reardon, Neil  
 Stone, Joseph  
 Verani, Giovanni  
 Whittier, John

Flanders, David  
 Gleason, John  
 Henderson, Warren  
 Langley, Jane  
 Major, Norman  
 O'Neil, Michael  
 Quandt, Marshall  
 Ruffner, Walter  
 Stritch, C Donald  
 Weare, Everett  
 Zolla, William

Flanders, John, Sr  
 Grant, Kenneth  
 Hutchinson, Karen  
 Langone, John  
 McKinney, Betsy  
 Packard, Sherman  
 Rabideau, Marie  
 Sapareto, Frank  
 Tufts, J Arthur  
 Welch, David

## STRAFFORD

Berube, Roger  
 Gilmore, Gary  
 Vincent, Francis

Bickford, David  
 McKinley, Robert  
 Woods, Phyllis

Callaghan, Frank  
 Torr, Franklin

Cossette, Larry  
 Tsiros, William

## SULLIVAN

Flint, Gordon, Sr  
 Young, David

Jones, Constance

Kibbey, David

Leone, Richard

## NAYS 135

## BELKNAP

Salatiello, Thomas

Wood, Jane

## CARROLL

Sullivan, P Judith

## CHESHIRE

Batchelder, Robert  
 Lynch, Margaret  
 Meader, David  
 Riley, William  
 Zerba, Roger

Blaisdell, Michael  
 Lynott, Margaret  
 Mitchell, McKim  
 Robertson, Timothy

Burnham, Daniel  
 Manning, Joseph  
 Pratt, John  
 Rose, William

Lerandeau, Alfred  
 McGuirk, Paul  
 Richardson, Barbara  
 Russell, Ronald

## COOS

Hawkinson, Marie

Rodrigue, Robert

## GRAFTON

Almy, Susan  
 Ham, Bonnie

Copenhaver, Marion  
 Harmon, Hobart

Densmore, Jessica  
 Johnson, Gary

Guest, Robert

## HILLSBOROUGH

Ahern, Richard  
 Burkush, James  
 Daigle, Robert  
 Flora, Kathleen  
 Ginsburg, Ruth  
 Hall, Betty  
 Keye, Harvey  
 Martin, Mary  
 Moriarty, Mary  
 Simon, Anthony

Arthur, Rose  
 Cote, David  
 Desrosiers, William  
 Foster, Linda  
 Goley, Jeffrey  
 Herman, Richard  
 Konys, Christine  
 McCarthy, William  
 Murphy, Robert  
 Vaillancourt, Steve

Bergeron, Lucien  
 Craig, James  
 Drabinowicz, A  
 Gagnon, Paul  
 Gorman, Mary  
 Jean, Claudette  
 Leonard, Peter  
 Melcher, Harold  
 Reidy, Frank  
 White, Donald

Buckley, Raymond  
 Curran, James  
 Fletcher, Richard  
 Garrish, Linda  
 Haettenschwiller, Alphonse  
 Johnson, Lionel  
 Lynde, Harold  
 Messier, Irene  
 Sarette, John  
 White, John

## MERRIMACK

Bouchard, Candace  
 Davis, Francis

Brewster, Richard  
 Feuerstein, Martin

Chase, George  
 Fortnam, Janet

Daneault, Gabriel  
 Fraser, Marilyn



French, Barbara  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Moore, Carol  
Rodd, Beth  
Wallin, Jean

Owen, Derek  
Seldin, Gloria  
Wallner, Mary Jane

Potter, Frances  
St Cyr, Gerard  
Whittemore, James

## ROCKINGHAM

Bishop, Franklin  
Kane, Cecelia  
Rubin, George  
Splaine, James

Clark, Martha  
Norelli, Terie  
Schanda, Frank  
Vaughn, Charles

Downing, Michael  
Pantelakos, Laura  
Shelton, Richard

Hutchinson, Rebecca  
Pitts, Jacqueline  
Shultis, Elizabeth

## STRAFFORD

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen

Brown, George  
Estabrook, Iris  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

Brown, Julie  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Wall, Janet

DeChane, Marlene  
Kaen, Naida  
Lundborn, Raymond  
Rollo, Michael  
Spear, Barbara

## SULLIVAN

Allison, David  
Phinizy, James

Burling, Peter  
Robb-Theroux, Amy

Cloutier, John  
Tuthill, John

McIntyre, Sara  
Wiggins, Celestine

and the majority report was adopted.

Reps. Donovan and Picconi declared conflicts of interest and did not participate.

**HB 643-FN-A**, transferring the regulation of emergency medical services from the department of health and human services to the department of safety. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Albert W. Hamel for Executive Departments and Administration: This bill will transfer the Emergency Medical Services Program from the Department of Health and Human Services to the Department of Safety. This will create a third division in the Department of Safety dealing with the fire service and related safety programs, the Division of Fire Safety, the Division of Fire Training and the Division of Emergency Medical Services. With the new Fire Academy, this change will provide a training facility for Emergency Medical Services and allow cross training for fire fighters and medical personnel that desire to be trained in both areas. This will be a benefit for the many communities that operate the emergency medical service out of the fire department. Emergency medical services are now funded by a federal grant to the Department of Health and Human Services. Under the proposed financing, the Department of Health and Human Services will reduce the general fund appropriation by an amount of the emergency medical services grant money and the general fund will pick up the appropriation of the Emergency Medical Services Program. There will be no net change in the general fund for this program. Vote 18-0.

### Amendment (0850h)

Amend the bill by replacing all after the enacting clause with the following:

1 Intent. This bill establishes a division within the department of safety which will be responsible for the regulation of emergency medical services and the licensing of emergency medical services providers. By transferring the regulation for emergency medical services from the department of health and human services to the department of safety, the legislature recognizes that emergency medical services should be regulated by the same state department which regulates other emergency and public safety services.

2 New Subparagraph; Emergency Medical Services Added. Amend RSA 21-P:2, II by inserting after subparagraph (d) the following new subparagraph:

(e) Administering and enforcing laws relative to emergency medical services.

3 New Section; Division of Emergency Medical Services. Amend RSA 21-P by inserting after section 12-a the following new section:

21-P:12-b Division of Emergency Medical Services.

I. There is established within the department a division of emergency medical services under the supervision of an unclassified director of emergency medical services. The director of emer-

gency medical services shall be nominated by the commissioner of safety for appointment by the governor, with the consent of the council, and shall serve a term of 4 years until a successor is appointed. The director of emergency medical services shall be academically and technically qualified to hold the position. The director shall be a citizen of this state or become a citizen of this state within one year of the director's appointment. The director shall receive the salary specified in RSA 94:1-a for the director of emergency medical services.

II. The director shall:

(a) Be responsible for the day-to-day operations of the division of emergency medical services.

(b) Plan, and provide operational resources as available, for the coordination of emergency medical and adult and pediatric trauma services recommended throughout the state with and between private units and local, county, and state agencies. Such a plan shall include provisions for response to mass casualty incidents. The plan shall be tested by exercises from time to time in coordination with other appropriate local and state agencies.

(c) Carry out public information and education relative to the availability and appropriate use of the emergency medical and trauma services system.

(d) Facilitate the establishment and maintenance of a communications network that addresses citizen access to the emergency medical and trauma services system and communications among emergency medical service units, health care facilities, and other local, county, and state agencies involved in the care or transportation of persons in need of appropriate medical attention.

(e) Provide for the training and for the written and practical testing of emergency medical care providers, in accordance with RSA 153-A:11.

(f) License emergency medical care providers, emergency medical service units, emergency medical service instructor/coordinators, emergency medical service training agencies, emergency medical services dispatchers, and emergency medical service vehicles, including wheelchair vans for hire.

(g) Establish a data collection and analysis capability that provides for the evaluation of the emergency medical and trauma services system and for modifications to the system based on identified gaps and shortfalls in the delivery of emergency medical and trauma services. The data and resulting analysis shall be provided to the bodies established under this chapter, provided that such use does not violate the confidentiality of recipients of emergency medical care. The provisions of RSA 126 shall be followed with regard to other uses of this data for research and evaluation purposes, and for protecting the confidentiality of data in those uses. All analyses shall be public documents, provided that the identity of the recipients of emergency medical care are protected from disclosure either directly or indirectly.

(h) Carry out investigations as provided under RSA 153-A:14.

(i) Provide administrative support, within the limits of available funding, to the coordinating board, emergency medical services medical control board, trauma medical review committee, and the councils.

(j) With the approval of the commissioner, be authorized to employ part-time instructors, evaluators, and practical skill examination aides for the purpose of delivering training and written and practical examinations.

(k) Prepare budgets and grant requests for funds needed to maintain an effective emergency medical and trauma services system, and plan initiatives related to improving the general health of the public.

(l) With the approval of the commissioner, accept in the name of the state any and all donations, fees for tuition, rents, services and any and all moneys and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, utilize, expend, and dispose of such funds subject to budgetary provisions, consistent with the rules of the department of safety and the purposes or conditions of the donation or grant.

III. The receipt of a donation or grant under subparagraph II(k) shall be noted in the biennial report of the department of safety, which will also identify the nature of the donation or grant and the conditions of the donation or grant, if any. Any moneys received by the division pursuant to subparagraph II(l) shall be deposited in the state treasury to the account of the department of safety and shall not lapse. In addition, the division may receive, hold, and use gifts, bequests, and devises either outright or in trust for purposes consistent with this chapter.

4 New Subparagraph; Rulemaking; Commissioner of Safety. Amend RSA 21-P:14, II by inserting after subparagraph (bb) the following new subparagraph:

(cc) Licensing of emergency medical care providers and administration and enforcement of emergency medical and trauma care services under RSA 153-A.

5 Unclassified Salary. Amend RSA 94:1-a by inserting in group N the following: director of emergency medical services, department of safety.

6 New Chapter; Emergency Medical and Trauma Services. Amend RSA by inserting after chapter 153 the following new chapter:

## CHAPTER 153-A

### EMERGENCY MEDICAL AND TRAUMA SERVICES

#### 153-A:1 Declaration of Policy and Purpose.

I. The general court declares that it is the policy of the state of New Hampshire to save lives and speed the healing of persons in need of medical services by providing an emergency medical and trauma services system that will bring an injured or sick person under the care of properly trained individuals in the shortest practical time, and that will provide safe transportation to the most appropriate treatment center prepared to receive the sick or injured person. It is the policy of the state of New Hampshire to insure that the sick or injured person is safely transported in properly equipped vehicles which are designed to supply supportive care and which are able to communicate with medical treatment centers. The use of properly licensed wheelchair vans for hire is to ensure that patients confined to a wheelchair are transported in equipped vehicles driven by personnel approved by the division.

II. The general court recognizes that traumatic injury is a health problem in the state of New Hampshire and a cause of unnecessary death and that an organized system for the delivery of trauma care services in New Hampshire should be available. Emergency medical services in rural and wilderness areas require adequately trained and equipped personnel to treat and transport trauma victims. Therefore, the general court declares that the establishment of a coordinated statewide trauma and injury prevention system will benefit all residents and visitors to New Hampshire by reducing the incidence of traumatic injury and minimizing human suffering and disability.

III. The general court, recognizing that the provision of emergency medical and trauma services at the local level is a continuation of a long and valued tradition of neighbor helping neighbor that should be encouraged and maintained, and that the individual providers of emergency medical care must be part of a comprehensive system of care delivery, declares that it is the purpose of this chapter to assure the development, coordination and administration of an emergency medical and trauma services system that reflects the differing needs and abilities of the state's communities and regions.

IV. The general court further recognizes that the delivery of adequate pre-hospital care is reliant on the thorough cooperation of the emergency medical care providers and, therefore, the general court urges the emergency medical care providers to cooperate with and follow the lead of each emergency medical service unit's medical resource hospital.

V. The general court recognizes that volunteers make up a large portion of the staffing of the emergency medical service units, especially in the northern portion of the state. Therefore, the general court believes that the training levels for minimum certification as an emergency medical care provider should continue to allow future volunteer emergency medical care provider participation.

VI. The general court declares that, to the extent it is possible, it is the policy of the state of New Hampshire to allow patients to be transported to the hospital, medical facility, or location of their choice in their area, if there is no compelling medical reason to the contrary. Further, the general court declares that, if appropriate, durable power of attorney for health care and the living will statutes should be taken into consideration in providing emergency medical and trauma services.

#### 153-A:2 Definitions. In this chapter:

I. "Coordinating board" means the emergency medical and trauma services coordinating board established in RSA 153-A:3.

II. "Commissioner" means the commissioner of the department of safety.

III. "Director" means the director of the division of emergency medical services, department of safety.

IV. "Division" means the division of emergency medical services, department of safety.

V. "Emergency medical care provider" means an employee or volunteer member of a public or private organization having responsibility for the delivery of health services to individuals ex-

periencing illness or injury at a location other than a hospital or other medical facility. The term shall not include lifeguards at swimming facilities or members of ski patrols, unless said individuals are performing invasive patient care procedures.

VI. "Emergency medical services" means the pre-hospital assessment and treatment of a sick or injured individual initiated at the scene of an incident and continued through the transport and transfer, if found appropriate, of the individual to a medical facility or other appropriate location in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

VII. "Emergency medical services instructor/coordinator" means a person who has completed the requirements of an instructor training program under RSA 153-A:20, VIII.

VIII. "Emergency medical services training agency" means an organization, public or private, which assumes the responsibility for providing emergency medical services education and which has completed the requirements of an agency training program which meets the requirements of rules adopted under RSA 153-A:20, VIII.

IX. "Emergency medical service unit" means an organization, public or private, operating alone or as part of a larger organization, which has the responsibility to provide emergency medical services. The term shall not include ski patrols, unless a ski patrol is providing invasive patient care procedures.

X. "Emergency medical service vehicle" means a land, air, or water vehicle designed, equipped, and used for the transport of sick or injured individuals.

XI. "Facility" means a hospital as defined in RSA 151-C:2, XX.

XII. "Local option" means a protocol for which a medical resource hospital and the local medical control physician have complete authority and jurisdiction, including training, implementation, and quality assurance. A local option may be more restrictive but shall not be less restrictive than the minimum state standard protocols approved and issued by the emergency medical services medical control board.

XIII. "Mass casualty incident" means any emergency event that cannot be resolved through the use of the emergency resources that are available locally on a regular daily basis.

XIV. "Emergency medical services medical control board" means the board established in RSA 153-A:5.

XV. "Medical control" means medical supervision and medical accountability for emergency medical care and includes direction and advice from a physician provided through:

(a) "Off-line" medical control which includes education, protocol development, critique, leadership, advice, and quality control.

(b) "On-line" medical control which exists when pre-hospital providers communicate directly with a physician or the physician designee at a receiving or medical resource hospital. Such direction may be based on the personal preference of the specific on-line physician, but more ideally it is based on protocols for the management of specific problems. This physician assumes responsibility and gives orders for individual patient's care.

XVI. "Patient" means an individual who, as a result of illness or injury, needs immediate medical attention, whose physical or mental condition is such that the individual is in imminent danger of loss of life or significant health impairment, or who may otherwise be incapacitated as a result of a physical or mental condition.

XVII. "Protocol" means a written description of a patient care process specifying the circumstances under which emergency medical care providers may function under their own licenses or through medical control. Protocols are approved and issued by the emergency medical services medical control board.

XVIII. "Public agency" means the state or any of its political subdivisions, which provide police, firefighting, emergency medical, ambulance, or other emergency services.

XIX. "Response expense" means reasonable costs incurred by a public agency in making an appropriate response to an incident. This definition shall include, but not be limited to, the costs of police, firefighters, and rescue and emergency medical services, including the salaries of such persons.

XX. "Trauma hospital" means an acute care hospital licensed under RSA 151 to operate as a hospital and classified by the department according to the level of trauma care it is capable of providing.

XXI. "Trauma patient" means a person who has sustained a physical injury that may require immediate medical and surgical intervention to preserve life or prevent permanent disability.

XXII. "Trauma system" means the organized, managed, and rapid delivery of appropriate pre-hospital, hospital, and rehabilitative care to the injured person whose injury may require the services of trauma care specialized personnel and facilities to ensure an optimal outcome.

153-A:3 Emergency Medical and Trauma Services Coordinating Board.

I. The emergency medical and trauma services coordinating board is created, consisting of 22 members appointed as set out in paragraphs II and III.

II. The governor shall appoint persons to the board as follows:

(a) One member from the New Hampshire Ambulance Association.

(b) One member from the New Hampshire chapter of the American College of Emergency Physicians.

(c) One member from the New Hampshire Municipal Association.

(d) One member from the New Hampshire Hospital Association.

(e) One member from the New Hampshire Emergency Nurses Association.

(f) One member from the American Red Cross.

(g) One member from the New Hampshire Heart Association.

(h) One member from the New Hampshire Association of Fire Chiefs.

(i) One member from the New Hampshire Association of Emergency Medical Technicians.

(j) One member from the New Hampshire Medical Society.

(k) One member from the New Hampshire Paramedic Association.

(l) One member from the emergency medical services medical control board.

(m) One member from the Professional Firefighters of New Hampshire.

(n) Three members from the general public, representing geographic divisions of the state.

(o) One representative from the New Hampshire chapter of the American College of Surgeons, Committee on Trauma.

(p) One member from the New Hampshire chapter of the Academy of Pediatrics.

(q) One representative from the trauma medical review committee established in RSA 153-A:8.

(r) One representative from the New Hampshire Association of Rehabilitation Administrators.

(s) One representative from an organ/tissue donor organization.

(t) One member from the New Hampshire fire standards and training commission.

III. Each member from subparagraphs II(a)-(m) and (o)-(t) shall be nominated by the appropriate organization to the governor for appointment. The term of a member shall be 3 years or until a successor is appointed and qualified. The governor shall fill any vacancy in the same manner as the original appointment. In case of a vacancy other than by expiration of the term, the appointment shall be for the balance of the unexpired term and shall be considered a term for the purposes of the limitation on terms. No member shall serve more than 3 consecutive terms or 9 consecutive years.

IV. The members of the board shall elect a chair and a vice-chair who shall both serve for a term of 2 years. The director, or designee, shall serve as a nonvoting member and shall be the executive secretary of the board.

V. The board shall meet at least 4 times a year and at the call of the chair.

VI. Members shall receive no compensation.

153-A:4 Powers and Duties of the Coordinating Board. The board shall:

I. Develop and routinely update a plan for the operation of a statewide system of emergency medical services that reflects the abilities and needs of each municipality.

II. Routinely assess the delivery of emergency medical services, based on information and data provided by the department and from other sources the board deems appropriate, with particular attention to the quality and availability of care.

III. Review and offer comments on to the commissioner recommendations for rules required and other such rules as deemed necessary to carry out the purposes of this chapter.

IV. Review and offer comments on rules proposed by the commissioner prior to their adoption under RSA 541-A.

V. Designate emergency medical services regions and districts in the state, in accordance with RSA 153-A:6. The council established for a region shall include a New Hampshire licensed physician with a background in emergency medicine.

VI. Approve statewide trauma policies, procedures, and protocols of the statewide trauma system and the establishment of minimum standards for system performance and patient care proposed by the commissioner prior to their adoption under RSA 541-A.

VII. Coordinate interstate cooperation and delivery of emergency medical and trauma services.  
153-A:5 Emergency Medical Services Medical Control Board; Chair; Duties; State Medical Director.

I. There is established an emergency medical services medical control board which shall consist of:

(a) A minimum of 5 physicians representing different geographic areas of the state who shall be nominated by the councils established under RSA 153-A:6 and confirmed by the board and a physician representative of the trauma medical review committee.

(b) The commissioner, or designee, who shall serve as a nonvoting member and as executive secretary.

II. The terms of each member shall be 3 years. The chair shall be appointed by the commissioner, and the appointed chair shall become the state medical director. The emergency medical services medical control board shall nominate one of its members to the governor for appointment to the coordinating board established in RSA 153-A:3.

III. The duties of the emergency medical services medical control board shall include, but not be limited to, the following:

(a) Assisting the coordinating board in the coordination of a system of comprehensive emergency medical services and the establishment of minimum standards throughout the state by advising the coordinating board on policies, procedures, and protocols.

(b) Providing technical services required by the division pursuant to RSA 153-A:7, I and the coordinating board.

(c) Serving as a liaison with medical personnel throughout the state.

(d) Submitting to the commissioner protocols concerning patient care to consider for adoption as rules under RSA 541-A.

(e) With the concurrence of the state pharmacy board, specifying noncontrolled prescription drugs that emergency medical care providers licensed under this chapter may possess for emergency use as authorized in RSA 318:42, X.

(f) With the concurrence of the state pharmacy board, specifying controlled prescription drugs that advanced emergency medical care providers licensed under this chapter may possess for emergency use as authorized in RSA 318-B:10, V.

(g) Approving the protocols and procedures to be used by emergency medical care providers under their own licenses or through medical control.

153-A:6 Regions and Districts. The coordinating board shall delineate emergency medical services regions and districts and shall establish councils to oversee each designated area. The coordinating board shall assure that each council meets its responsibilities in a manner consistent with the emergency medical care needs of the area it serves. The council established for a region shall include a licensed, board-certified emergency physician or a licensed physician experienced in emergency medicine. The director shall implement the provisions of this section.

153-A:7 Duties of the Commissioner.

I. The commissioner is responsible for the statewide supervision of emergency medical services.

II. The commissioner shall:

(a) Adopt rules with the advice and assistance of the coordinating board, the emergency medical services medical control board, and the trauma review committee, in accordance with RSA 153-A:20.

(b) Oversee the administration of the division by the director.

III. The commissioner may establish standing or ad hoc committees on a regional or statewide basis as deemed necessary.

153-A:8 Trauma Medical Review Committee.

I. There is established a trauma medical review committee which shall consist of:

(a) A minimum of 5 physicians representing the surgical disciplines of neurosurgery, general surgery, pediatric surgery, orthopedic surgery, and other physicians experienced in the treatment of adult and pediatric trauma patients.

(b) One member from the New Hampshire chapter of the American College of Emergency Physicians.

(c) One member from the New Hampshire Paramedic Association.

(d) One member from the New Hampshire Emergency Nurses Association.

- (e) One trauma nurse coordinator.
- (f) One member from the New Hampshire Association of Emergency Medical Technicians.
- (g) The state medical examiner or designee.
- (h) One member of the emergency medical services medical control board.
- (i) One representative from a New Hampshire acute care hospital nominated by the New Hampshire Hospital Association.
- (j) One representative of the Professional Firefighters of New Hampshire.
- (k) One representative of the New Hampshire Association of Fire Chiefs.

II. Each member shall be appointed by the commissioner.

III. The commissioner or the commissioner's designee shall serve as a nonvoting member and as executive secretary.

IV. The term of each member shall be 3 years. The chair shall be appointed by the commissioner. The trauma medical review committee shall nominate one of its members to the governor for appointment to the coordinating board established in RSA 153-A:3.

V. The committee shall:

- (a) Develop and routinely update the adult and pediatric trauma system plan.
- (b) Review statewide trauma system operations, including monitoring adherence to established guidelines and standards, the availability of appropriate resources, and the periodic review of trauma hospital classification criteria.
- (c) Review the delivery of emergency medical services by providers and units concerning the provision of care to trauma patients.
- (d) Make recommendations to the coordinating board based on the reviews described in subparagraphs (b) and (c).
- (e) Recommend to the emergency medical services medical control board modifications of the protocols of trauma care as a result of system-wide review.
- (f) Assist trauma hospitals in the development and implementation of trauma quality improvement programs.
- (g) Establish such subcommittees as deemed appropriate to carry out the functions of the committee.
- (h) Assist the coordinating board in the coordination of a system of comprehensive emergency medical services and the establishment of minimum standards throughout the state by advising the coordinating board on policies, procedures, and protocols.

153-A:9 Proceedings Confidential; Liability.

I. As used in this section, "records" means records of interviews and all reports, statements, minutes, memoranda, charts, statistics, and other documentation generated during the activities carried out by the trauma medical review committee and its subcommittees under RSA 153-A:8, V(b) and (c). Records shall not mean original medical records or other records kept relative to any patient in the course of the business of operating a hospital or an emergency medical service unit.

II. Records of the trauma medical review committee shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding.

III. No hospital, trustee, medical staff, employee of a hospital, nor any emergency medical service unit or volunteer or employee of a unit shall be held liable in any action for damages or other relief arising from the provision of information to the trauma medical review committee.

153-A:10 Licensure of Emergency Medical Service Units and Emergency Medical Service Vehicles.

I. A person shall not engage in the business or service of providing emergency medical services or the transportation of patients, upon any public way of the state, unless such person holds a license issued by the commissioner for engaging in such a business or service.

II. A person shall not operate an emergency medical service vehicle on public ways in this state if the vehicle is not licensed as an emergency medical service vehicle by the commissioner in accordance with this chapter.

III. The licensing requirements of this section shall not apply to out-of-state emergency medical service units which provide back-up services to New Hampshire emergency medical service units under written mutual aid agreements. In the event of a mass casualty incident, and if vehicles licensed under this chapter are not sufficient to transport the injured or sick, the vehicle licensing provisions of this chapter shall not apply for the period of the incident.

IV. A license shall become invalid if there is any change of ownership of a licensed emergency medical service vehicle, or of a business or service operating as an emergency medical services unit.

V. No license shall be required under this section for an emergency medical service vehicle, its owners, the driver, or its attendants, if the vehicle is owned by a nonresident and is licensed as an emergency medical service vehicle in another state, and is being operated on the public ways of this state to transport patients who are picked up out of state and brought to treatment centers in this state.

VI. If there is a hardship imposed on any applicant for a license under this section because of an unusual circumstance, the applicant may apply to the commissioner for a temporary waiver of the licensing provisions of this section. The commissioner may for good cause waive the licensing provisions of this section.

#### 153-A:11 Licensure of Emergency Medical Care Providers.

I. A person shall not provide emergency medical services as a paid or volunteer member of a public or private emergency medical services unit in this state, or as a paid or volunteer member of any police or fire department who, as a condition of employment, may be expected to routinely provide emergency medical services in the line of duty, without being licensed by the commissioner.

II. The commissioner shall establish, by rule, levels of individual licensure and application forms for licensure under this section. The commissioner may use the guidelines established by the American College of Surgeons' Board of Regents as a standard or other such standards, except that a felony conviction shall not necessarily disqualify an applicant. The commissioner shall establish a separate licensure category of advanced emergency medical care provider for individuals who are qualified as emergency medical technician intermediates, paramedics, registered nurse emergency medical technicians and physician assistant emergency medical technicians.

III. Any applicant seeking a license under this section, other than an apprentice license, shall be 18 years of age or older. Nothing in this chapter shall be construed to prohibit persons under 18 years of age from enrolling in any course necessary for licensing.

IV. Persons seeking the minimum level of licensure shall be required to pass examinations, as set forth in rules adopted by the commissioner.

V. If there is a hardship imposed on any applicant for a license under this section because of unusual circumstances, the applicant may apply to the commissioner for a temporary waiver of the licensing provisions of this section. The commissioner may for good cause waive the licensing provisions for this section.

VI. No license shall be required for students in established training programs leading to licensure as an emergency medical care provider, provided that the student is supervised in accordance with rules adopted under this chapter and the training program is authorized according to rules adopted under this chapter.

153-A:12 Authority for Licensed Advanced Emergency Medical Care Providers. An advanced emergency medical care provider licensed under this chapter may render advanced emergency medical care, rescue, and lifesaving services in those areas of training for which such person is licensed, as defined and approved in accordance with the rules adopted under this chapter, at the scene of an emergency, during transportation to a hospital or while in the hospital emergency department, until care is directly assumed by a physician or authorized hospital personnel, and within the hospital in accordance with hospital policies.

#### 153-A:13 Revocation of License.

I. The commissioner shall deny an application for issuance or renewal of a license, or suspend or revoke a license, when the commissioner finds that the applicant is guilty of any of the following acts or offenses:

- (a) Negligence or incompetency in performing authorized services.
- (b) Rendering treatment not authorized under this chapter.
- (c) Fraud in procuring a license.
- (d) Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of his or her profession, or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
- (e) The illegal use of drugs.
- (f) Fraud in representations as to skills or ability.
- (g) Willful or repeated violations of this chapter or of rules adopted pursuant to this chapter.



(h) Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which relates to the practice of an emergency medical care provider. A certified copy of the record of conviction or plea of guilty is prima facie evidence of a violation.

(i) Having a license or registration to practice as an emergency medical care provider revoked or suspended, or having other disciplinary action taken by a licensing or registering authority of another state, territory, country or the National Registry of Emergency Medical Technicians. A certified copy of the record or order of suspension, revocation, or disciplinary action is prima facie evidence of such action.

(j) Negligent, unsafe or illegal operation of an emergency medical service vehicle, or negligent or unsafe use or maintenance of the safety systems of an emergency medical service vehicle.

(k) Unauthorized disclosure of information regarding an individual who has received care or the services rendered to an individual.

(l) Delivering emergency medical care while drug or alcohol impaired.

II. A determination of mental incompetence by a court of competent jurisdiction automatically suspends a license for the duration of the license, unless the commissioner orders otherwise.

III. A denial, suspension, or revocation under this section shall be in accordance with RSA 541-A.

153-A:14 Investigations. The director shall investigate any complaint regarding the actions of any licensee licensed under this chapter or when the director has reason to believe that any licensed or unlicensed individual or entity is in violation of this chapter or any rules adopted pursuant to this chapter.

153-A:15 Fees. The commissioner may charge a fee for licensure of an emergency medical service unit, an emergency medical service vehicle, or an emergency medical care provider. However, no fee shall be charged to a nonprofit corporation or volunteer association.

153-A:16 Exception for Physician, Registered Nurse, and Physician Assistant.

I. This chapter shall not be construed to restrict a licensed physician, registered nurse, or physician assistant from serving on an emergency medical service unit at any level of licensure, provided that they have been certified by the commissioner as having education and training appropriate to the delivery of emergency medical services. The commissioner shall establish the qualifications required for such certification. The qualifications for certification shall be adopted as rule under RSA 153-A:20.

II. A physician, registered nurse, or physician assistant providing services in accordance with this section shall be immune from liability under RSA 153-A:17. Nothing in this section shall be construed as restricting the authority or practice of any registered nurse, who cares for any patient while that patient is being transported by an emergency medical service vehicle, or other means of conveyance, from one hospital to another hospital under orders from a physician caring for that patient.

153-A:17 Liability.

I. No approved emergency medical services training program nor any entity or person participating as part of an approved educational program, as authorized by this chapter, shall be liable for any civil damages as a result of teaching or following primary and continuing educational practices as taught to and practiced by enrolled students under proper supervision, unless guilty of gross or willful negligence.

II. No licensed emergency medical care provider who in good faith attempts to render emergency medical services authorized by this chapter at an emergency scene while en route to a place of employment shall receive any form of reprimand or penalty by an employer as a result of late arrival at the place of employment. An employer may request written verification from any such licensed emergency medical care provider, who shall obtain the written verification from either the police officer, fire officer, or emergency medical services personnel in charge at the emergency scene.

III. No person who is an emergency medical services instructor or assistant instructor employed or retained by the department of safety or who is an emergency medical services instructor or assistant instructor employed or retained by a hospital, nonprofit fire department or emergency medical service unit shall be held personally liable in any action to recover for personal injury, bodily injury or property damage arising out of any act performed or occurring in the furtherance of such instructor's official educational or training duties and responsibilities. Nothing in this section shall affect the liability of such person for damages arising out of willful misconduct, gross negligence, or providing educational or training services while under the influence of drugs or alcohol.

IV. The department of safety, its employees, and individuals under contract to the department for the purpose of administering or proctoring examinations, either written or practical, shall be held harmless in any lawsuit alleging that the testing was insufficient, inappropriate, or in any way deficient, if carried out in accordance with rules adopted under RSA 153-A:20, VIII. This paragraph shall not hold harmless any individual charged with conducting written or practical examinations who is negligent in his or her actions.

153-A:18 Limitation of Liability for Failure to Obtain Consent. No licensed emergency medical care provider or any health professional shall be subject to civil liability based solely upon failure to obtain consent in rendering emergency medical services to any person, regardless of age, where the person is unable to give consent for any reason, including minority, and where there is no other person reasonably available who is legally authorized to give consent to the providing of such care, provided that the licensed emergency medical care provider, or health professional, has acted in good faith without knowledge of facts negating consent.

153-A:19 Mutual Aid.

I. The system of emergency medical services in this state shall include provisions for appropriate system response to incidents beyond the resource capabilities of individual emergency medical service units available on a regular daily basis. Written mutual aid arrangements may be established with neighboring emergency medical services systems to insure integration of care and shall consider the role of nonemergency medical services public safety agencies, their roles, relationships, and responsibilities in standard operation. A written mutual aid arrangement shall specify who shall be responsible for the direction of medical care at the scene. In the absence of a written agreement, while in the performance of their duties extending emergency medical services in a mutual aid situation, emergency medical care providers shall be under the overall direction of the local authority having jurisdiction but subject to medical control, as defined under RSA 153-A:2, XIV, and such providers shall have the immunities and privileges as if performing the same duties within their respective service areas.

II. Any emergency medical service unit may enter into a mutual aid agreement with other emergency medical service units, within or outside the state, for purposes of rendering aid.

III. Nothing in this chapter shall be construed to prohibit any emergency medical service unit extending such aid from donating equipment and services and assuming the damage or loss to such equipment or personnel. Any mutual aid agreement may authorize the head of the emergency medical service unit to extend such aid, subject to such conditions and restrictions, as may be prescribed in the agreement.

IV. There shall be no liability imposed by law on the emergency medical service unit, on any municipality, or on the personnel of the emergency medical service unit, for failure to respond or to respond reasonably for the purpose of rendering aid under a mutual aid agreement. This immunity is not intended to be exclusive of other immunities existing by statute, or at common law.

153-A:20 Rulemaking. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. The licensing and operation of emergency medical service units, emergency medical service vehicles, and emergency medical care providers, including advanced emergency medical care providers.

II. Protocols recommended by the emergency medical services medical control board for provision of emergency medical care, which shall provide for the provision of local options under medical control. The protocols shall address living wills established under RSA 137-H, durable powers of attorney for health care established under RSA 137-J, and patient-requested, physician generated orders relative to resuscitation.

III. Necessary equipment and staffing for emergency medical service vehicles, including standards of suitability for such vehicles used in the transportation of patients in relation to health, sanitation, safety, communications, maintenance, on-board medical equipment, safety equipment, extrication equipment, markings, garaging conditions, and care and condition of the emergency medical service vehicle and its equipment.

IV. Reporting by emergency medical service units and maintenance of patient records, including protecting the confidentiality of patient records.

V. Length of licensure and procedures for issuance, renewal, limitation, suspension, and revocation of licensure authorized under this chapter.

VI. Levels of qualifications for licensure, including demonstration of coverage for financial liability.

VII. Procedures for hearings and investigations.

VIII. Training, including training programs for students and emergency medical services instructor/coordinators, requirements for training agencies, testing and student supervision.

IX. Communication.

X. Patient triage and transfer.

XI. Mass casualty response.

XII. Certification standards for licensed physicians, registered nurses, and physician assistants, in accordance with RSA 153-A:16.

XIII. Fees required under this chapter.

XIV. Operation of emergency medical care units.

XV. Responsibilities and authority for councils established under RSA 153-A:6.

XVI. Methods of providing data to bodies established under this chapter while maintaining confidentiality as required under RSA 21-P:12-b, II(g).

XVII. What constitutes good cause for waiver of a license under RSA 153-A:10, VI and 153-A:11, V.

XVIII. A schedule of administrative fines imposed under RSA 153-A:22 for violation of this chapter or the rules adopted pursuant to it.

XIX. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 153-A:22.

XX. The categories of classification of hospitals which provide adult and pediatric trauma services.

XXI. Procurement, storage, and security of noncontrolled and controlled prescription drugs approved for use by emergency medical care providers in accordance with RSA 318 and RSA 318-B.

153-A:21 Prohibited Acts; Penalties.

I. Any person providing emergency medical services who knowingly implies that such person is a licensed emergency medical care provider, or who uses any other term to indicate or imply that the person is a licensed emergency medical care provider, or who acts as a licensed emergency medical care provider, without having obtained the appropriate license under this chapter, shall be guilty of a misdemeanor for the first offense and a class B felony for subsequent offenses.

II. An owner of an emergency medical service unit or vehicle who operates or purports to operate an emergency medical services unit or vehicle, or who uses terms to indicate or to imply such licensure without having obtained the appropriate license under this chapter, shall be guilty of a misdemeanor for the first offense and a class B felony for subsequent offenses.

153-A:22 Administrative Fines. The commissioner, after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person or entity licensed under this chapter who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The commissioner shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

## Reimbursement for Public Agency

### Response Services

153-A:23 Statement of Intent. This subdivision is intended to provide for the recovery of expenses of a public agency response which are due to certain actions of persons which result in a public agency response. This subdivision shall not be construed to replace any other provisions of civil or criminal law relating to the recovery of such expenses.

153-A:24 Responsibility for Public Agency Response Services.

I. A person shall be liable for response expenses if, in the judgment of the court, such person:

(a) Negligently operates a motor vehicle, boat, off highway recreational vehicle, or aircraft while under the influence of an alcoholic beverage or controlled drug and thereby proximately causes any incident resulting in a public agency response;

(b) Takes another person or persons hostage or threatens to harm himself or another person, thereby proximately causing any incident resulting in an appropriate public agency response; or

(c) Recklessly or intentionally creates a situation requiring an emergency response.

II. A person's liability under this subdivision for response expenses shall not exceed \$10,000 for any single public agency response incident.

153-A:25 Collections; Insurance. The response expense shall be a debt owed by the person responsible and shall not be paid by an insurance company. The public agency which incurred the expense may collect the debt in the same manner as in the case of an obligation under a contract, expressed or implied. Public agency expenses may include reasonable attorney fees.

153-A:26 Admissibility in Criminal Proceedings. Any testimony, admission, or other statement made by the defendant in any civil proceeding brought pursuant to this subdivision, or any evidence derived from such proceeding, shall not be admitted or otherwise used in any criminal proceeding arising out of the same incident.

153-A:27 Court Order. When a person is sentenced for any criminal offense which resulted in a public agency response, the sentencing court may order that the person be required to pay the expenses of any public agency response or to perform up to 500 hours of uncompensated community service.

7 Reference Changes; Dealing in or Possessing Prescription Drugs. Amend RSA 318:42, X to read as follows:

X. The possession, for emergency use only, by emergency medical care providers licensed under RSA ~~[151-B]~~ 153-A of such noncontrolled prescription drugs as are specified by the state emergency medical services medical control board, with the concurrence of the pharmacy board, provided that there has been prior establishment of medical control for possession of such drugs. The emergency medical care provider may only administer such prescription drugs upon receipt of orders to do so from a supervising physician or an emergency/trauma advanced registered nurse practitioner. Such orders may be transmitted either directly or by telephone or by radio or by other communication medium, or by standing order of local medical control delineated in a protocol as defined in RSA ~~[151-B]~~ 153-A.

8 Reference Changes. Professional Use of Narcotic Drugs. Amend RSA 318-B:10, V to read as follows:

V. An advanced emergency medical care provider licensed under RSA ~~[151-B]~~ 153-A may possess, for emergency use only, such controlled prescription drugs as are specified by the state emergency medical services medical control board, with the concurrence of the pharmacy board, provided that there has been prior establishment of medical control for the possession of such drugs. The advanced emergency medical care provider may only administer such controlled prescription drugs upon receipt of orders to do so from a supervising physician or an emergency trauma advanced registered nurse practitioner, practicing within such nurse practitioner's specialty. Such orders may be transmitted either directly or by telephone or by radio or by other communication medium, or by standing order of local medical control delineated in a protocol as defined in RSA ~~[151-B]~~ 153-A.

9 Reference Change; Persons Excepted; Physicians and Surgeons. Amend RSA 329:21, XIV to read as follows:

XIV. To such emergency medical services personnel as are approved and licensed by the commissioner of the department of ~~[health and human services under RSA 151-B]~~ *safety under RSA 153-A*.

10 Reference Changes. Limitation of Liability. Amend RSA 508:12-a, I and II to read as follows:

I. No licensed physician, registered nurse or hospital shall be liable in a suit for damages as a result of any act or omission related to advice, consultation or orders given in good faith to emergency medical care providers licensed under RSA ~~[151-B]~~ 153-A, by radio, telephone or other remote means of communication under emergency conditions and prior to arrival of the patient at the hospital, clinic, office or other health facility from which the emergency communication to the emergency medical care provider is made, unless the act or omission was a result of gross negligence or willful misconduct.

II. No emergency medical care provider licensed under RSA ~~[151-B]~~ 153-A shall be liable in a suit for damages as a result of any act or omission made within the level of his training and certification and in good faith based upon advice, consultation or orders by remote communication as described in paragraph I unless said act or omission was a result of gross negligence or willful misconduct.

11 Repeal. RSA 151-B, relative to emergency medical and trauma services, is repealed.

12 Transition.

I. All existing rules, regulations and procedures in effect, in operation or adopted in or by the former department of health and human services, office of community and public health, bureau of emergency medical services are declared in effect and shall continue in effect until rescinded, revised or amended by the commissioner of the department of safety.

II. All of the functions, powers, duties, and responsibilities of the department of health and human services, office of community and public health, bureau of emergency medical services are transferred to the department of safety, division of emergency medical services. The transfer provided for in this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations, including the balance of the funds appropriated in the fiscal year 1999 budget or other available funds in any account or subdivision of an account of the department of health and human services and authorized for use by the office of health management, bureau of emergency medical services, actions and other property or obligations of any kind of the department of health and human services, office of community and public health management, bureau of emergency medical services.

III. The transfer of the office of community and public health management, bureau of emergency medical services from the department of health and human services to the department of safety, division of emergency medical services shall not affect the terms or appointments of current members of the emergency medical and trauma services coordinating board, established under RSA 153-A:3, the emergency medical services control board, established under RSA 153-A:5, and the trauma medical review committee, established under RSA 153-A:8.

IV. Notwithstanding the provisions of RSA 21-P:3, II and RSA 21-P:12-b, the first term of the director of emergency medical services shall be for a period of one year.

13 Effective Date. This act shall take effect July 1, 1999.

Adopted.

Report adopted and referred to Finance.

**HB 720-FN**, relative to the practice of midwifery. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill, as amended, updates the law governing midwives in the state of New Hampshire. The bill establishes a midwifery council which will be responsible for the certification and discipline of midwives. The council will be administratively attached to the Department of Health and Human Services. The bill also provides for the immediate certification of midwives who were certified under the former law and also provides a grace period for the certification of midwives who until now have been practicing in the state without certification. Vote 18-0.

### Amendment (1150h)

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Deletion. Amend RSA 132:6, I to read as follows:

I. The physician, hospital, nurse midwife, ~~lay~~ midwife, or other health care provider attending a newborn child shall, after washing the lids and adjacent tissues immediately following birth, place into each eye of every child a single drop of a one percent solution of nitrate of silver or some equally efficient solution.

2 Reference Deletion. Amend RSA 132:10-a to read as follows:

132:10-a Newborn Screening Tests Required. The physician, hospital, nurse midwife, ~~lay~~ midwife, or other health care provider attending a newborn child shall test a newborn child for metabolic disorders. Such tests shall include, but not be limited to, phenylketonuria, galactosemia, homocystinuria, maple syrup urine disease, and hypothyroidism.

3 New Section; Pharmacists Not Liable. Amend RSA 318 by inserting after section 29-c the following new section:

318:29-d Pharmacists Not Liable. A pharmacist who dispenses drugs to a midwife certified under RSA 326-D shall not be liable for any adverse reactions caused by any method of use by the midwife.

4 New Paragraph; Certified Midwives Added. Amend RSA 318:42 by inserting after paragraph II the following new paragraph:

II-a. Midwives certified pursuant to RSA 326-D, from obtaining, possessing or administering prescription drugs to meet the immediate medical needs of their patients Such authority to obtain,

possess or administer shall be limited to those drugs listed in RSA 326-D:12. Nothing shall prohibit a pharmacist, in good faith, from selling and dispensing drugs listed in RSA 326-D:12 to midwives certified pursuant to RSA 326-D.

5 Certified Midwives Added. Amend RSA 318:52-c, I to read as follows:

I. Hypodermic syringes, needles or any instrument adapted for the administration of drugs by injection shall not be sold except in registered pharmacies. No person shall sell, furnish, or give to any person or persons other than a duly licensed physician, dentist, veterinarian, nurse, *midwife certified pursuant to RSA 326-D*, podiatrist, pharmacist, or embalmer, or a hospital, sanitarium, clinical laboratory or any other medical institution or a state or governmental agency, or a regular dealer in medical, dental or surgical supplies, or a resident physician or intern or advanced registered nurse practitioner of a hospital, sanitarium or other medical institution, an instrument commonly known as a hypodermic syringe, hypodermic needle or any instrument adapted for the administration of drugs by injection without the written or oral prescription of a duly licensed physician, dentist, veterinarian, or advanced registered nurse practitioner. Such prescription shall contain the name and address of the patient, the date of the prescription, the description of the instrument prescribed and the number of instruments prescribed.

6 Certified Midwives Added. Amend RSA 318:52-e to read as follows:

318:52-e Control or Possession of Hypodermic or Like Instruments Without Prescription Prohibited. No person shall have under his *or her* control or possess a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of drugs by injection, except a duly licensed physician, dentist, nurse, pharmacist, podiatrist, *midwife certified pursuant to RSA 326-D*, veterinarian, embalmer, a manufacturer or dealer in embalming supplies, registered wholesale druggist, manufacturing pharmacist, manufacturer of surgical instruments, official of any government having possession of the articles covered by this section by reason of his *or her* official duties, paramedical personnel acting under the direction of a physician, dentist, or advanced registered nurse practitioner, employees of a hospital, sanitarium or other licensed medical institution acting under the direction of its superintendent or officer in immediate charge, a carrier or messenger engaged in the transportation of such articles during the official performance of his *or her* duties, or a person who has received a written or oral prescription issued under RSA 318:52-c. For the purpose of this subdivision, no such prescription shall be valid which has been outstanding for more than one year. Provided, however, that the industrial use of hypodermic syringes, needles or instruments in any manufacturing process not utilizing drugs shall not be prohibited, so long as such use is under the proper supervision of a designated person or persons; and such hypodermic syringes, needles or instruments may be purchased for such use from a registered drug store without a written or oral prescription issued under RSA 318:52-c.

7 New Section; Midwifery Not the Practice of Nursing. Amend RSA 326-B by inserting after section 25 the following new section:

326-B:25-a Midwifery Not the Practice of Nursing. Midwives certified under RSA 326-D, and practicing midwifery, as defined by RSA 326-D:2, V, shall not be construed as practicing nursing under this chapter.

8 Midwifery. RSA 326-D is repealed and reenacted to read as follows:

## CHAPTER 326-D

### MIDWIFERY

#### 326-D:1 Purpose.

I. The general court finds that the practice of midwifery has been a part of the culture and tradition of New Hampshire since colonial days and that it is in the public interest to remove impediments to the practice of midwifery.

II. For personal and economic reasons some New Hampshire citizens will have home births. It is the intent of the general court to preserve the rights of women to deliver children at home, to remove obstacles to safe out-of-hospital deliveries, and to assure quality care.

III. The general court further finds that childbirth is a culmination of pregnancy and is a natural process rather than an illness.

IV. The general court acknowledges that the services of a certified midwife are a reasonable alternative for healthy pregnant women.

V. The general court hereby intends that the scope of practice of midwifery shall be modeled on The International Definition of Midwifery as accepted by the World Health Organization and the International Confederation of Midwives. However, in no event shall the scope of midwifery practice exceed the parameters of the definition of "midwifery" under RSA 326-D:2, V.

326-D:2 Definitions. In this chapter:

I. "Client" means a woman who has retained the services of a midwife for the duration of her pregnancy, labor and the postpartum period and as defined in the scope of practice adopted by the council pursuant to RSA 541-A.

II. "Council" means the midwifery council established in RSA 326-D:3.

III. "Commissioner" means the commissioner of the department of health and human services.

IV. "Midwife" means one who is certified to practice midwifery pursuant to this chapter.

V. "Midwifery" means the practice, by persons other than physicians or surgeons licensed under RSA 329, nurses registered under RSA 326-B, or physician's assistants licensed under RSA 328-D, of:

(a) Providing the necessary supervision, care and advice to women during pregnancy, labor and the postpartum period;

(b) Conducting vaginal deliveries on the midwife's own responsibility, and caring for the newborn and the infant; such care to mother and child to include preventive measures, the detection of abnormal conditions, the procurement of medical assistance, and the execution of emergency measures in the absence of medical help; and

(c) Consulting with a physician whenever there are significant deviations from normal or whenever there is a medical emergency in either the mother or the infant.

326-D:3 Council Established.

I. There shall be a midwifery council consisting of 6 members to be appointed by the governor with the advice and consent of the executive council. Members shall be appointed for 4-year terms. No member shall be appointed to more than 2 consecutive terms. All members of the council shall have been residents of this state for at least 5 years preceding appointment and shall include:

(a) An obstetrician licensed to practice medicine under RSA 329 with experience in working with midwives certified pursuant to this chapter.

(b) A pediatrician licensed to practice medicine under RSA 329 with experience in working with midwives certified pursuant to this chapter.

(c) Three midwives certified under this chapter, who have each attended at least 50 deliveries as midwives.

(d) One member of the general public who has familiarity with the practice of midwifery.

II. Members appointed to the council shall serve without compensation.

III. The council shall be administratively attached, under RSA 21-G:10, to the department of health and human services.

IV. Members of the council shall elect a chairperson annually from among their members. The council shall meet at least quarterly and may hold additional meetings at such times as it may deem necessary. A quorum of the council shall consist of no fewer than 4 members.

326-D:4 Powers and Duties of the Council.

I. The powers and duties of the council shall include:

(a) Certifying eligible applicants for certification under this chapter.

(b) Establishing fees for examination of applicants, certification and renewal of certification.

(c) Investigating complaints against persons certified under this chapter.

(d) Undertaking, when appropriate, disciplinary proceedings and disciplinary action against persons certified under this chapter.

(e) Reporting to the commissioner immediately on all complaints received and disciplinary action taken.

II. The council shall have the power to subpoena witnesses and administer oaths in any hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of papers and records. Witnesses summoned before the council shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons shall have the same effect as though issued for appearance before such court.

326-D:5 Rulemaking.

I. The council shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Qualifications for the practice of midwifery.

(b) The teaching of midwifery.

(c) The scope of practice and procedures in the practice of midwifery, including policies for professional direction and supervision.

(d) Procedures for the certification of midwives and the issuance of certificates of midwifery, including procedures for provisional certification and recertification after certification has lapsed.

(e) Renewal procedures, including requirements for continuing education and peer review.

(f) Diagnostic and laboratory tests midwives may administer and perform and the proper administration of RSA 326-D:12.

(g) Standards for reciprocity.

(h) Establishing all fees authorized under RSA 326-D:4, I(b); provided that the fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the council for the previous fiscal year.

(i) Establishing all administrative fines authorized under RSA 326-D:8, III(a)(4).

(j) Reporting requirements relative to client information and notification of transfers.

II. No rule relative to the scope of midwifery practice shall exceed the parameters of the definition of "midwifery" under RSA 326-D:2, V.

III. Notwithstanding RSA 541-A:16, I(b)(2), the council shall adopt the model rules for adjudicative hearings adopted by the attorney general under RSA 541-A:30-a. The council may adopt supplements or modifications to the model rules pursuant to RSA 541-A:30-a, IV. Rehearings and appeals to the council shall be conducted pursuant to the provisions of RSA 541.

#### 326-D:6 Certification.

I. No person shall practice midwifery in this state without first obtaining certification from the council. The council shall certify for the practice of midwifery any person applying for such certification who meets the qualifications adopted under RSA 326-D:5, I(a) and who submits the certification fee established by the council pursuant to RSA 326-D:4, I(b).

II. Certification issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in accordance with rules adopted by the council and upon payment of the renewal fee established under RSA 326-D:4, I(b).

III. The title "certified midwife" shall be used only by persons certified under this chapter. No person shall continue to represent himself or herself as a certified midwife after certification has been suspended under this chapter. Any person whose certification under this chapter has been suspended or revoked by the council for disciplinary action under RSA 326-D:8, shall not engage in the practice of midwifery unless and until the suspension or revocation of certification has been lifted. Any person violating any provision of this chapter shall be guilty of a violation.

326-D:7 Qualifications. In order to be certified as a midwife by the council, a person shall:

I. Have completed high school or its equivalent.

II. Complete one college-level course in human anatomy and physiology, or pass a college-level equivalency program or credit by exam.

III. Express an intent to engage in the active practice of midwifery in the state.

IV. Submit an affidavit disclosing any criminal convictions. If the council determines that such conviction has a direct bearing on the applicant's ability to serve as a midwife, such conviction may serve as a basis for denial of certification.

V. Meet practical experience requirements prescribed by the council, including specific numbers of prenatal visits, post-partum follow-up exams, attendance at live births as an observer and primary birth attendant under supervision, performance of newborn examinations, performance of laceration repairs, performance of postpartum visits, and observation of in-hospital births.

VI. Present evidence of technical skills as prescribed by the council.

VII. Present evidence of a passing grade on a certification examination approved by the council.

VIII. Pass both a written and an oral examination administered by the council. Such examinations shall include, but shall not be limited to, questions relative to New Hampshire laws and rules governing midwives.

#### 326-D:8 Disciplinary Action.

I. The council may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person certified by the council has committed misconduct under paragraph II and which specifies the grounds for the misconduct.



II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

- (a) The practice of fraud or deceit in procuring or attempting to procure certification to practice under this chapter.
- (b) Conviction of any crime which demonstrates unfitness to practice midwifery.
- (c) Demonstrable gross incompetence of the certificate holder.
- (d) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the certificate holder unfit to practice under this chapter.
- (e) A legal finding of mental incompetence.
- (f) Willful or repeated violation of the provisions of this chapter.
- (g) Suspension or revocation without subsequent reinstatement of certification, similar to one issued under this chapter, in another jurisdiction.

III.(a) The council may take disciplinary action in any one or more of the following ways:

- (1) By public or private reprimand.
- (2) By suspension, limitation, or restriction of certification
- (3) By revocation of certification.
- (4) By assessing administrative fines in amounts established by the council which shall not exceed \$2000 per offense, or in the case of a continuing offense, \$250 for each day the violation continues.

(b) Disciplinary action taken under this paragraph may be ordered by the council in a decision made after a hearing in the manner provided by the rules adopted by the council and reviewed in accordance with RSA 541.

326-D:9 Report. The council shall report biennially to the commissioner of the department of health and human services concerning the practice of midwifery in this state. The report shall include any recommendations of the council to increase the quality and safety of midwife services and generally to assure competence in the practice.

326-D:10 Powers and Duties of Commissioner. The powers and duties of the commissioner shall include:

I. Providing the public with such information, relative to certification in and the practice of midwifery, as the commissioner deems sufficient to enable the public to make informed decisions in selecting a competent midwife.

II. Providing administrative services to the council created under this chapter.

326-D:11 Certificate Renewal; Continuing Education. Every person certified under this chapter shall apply to the council for certificate renewal every 2 years. Renewals of certificates shall be contingent upon presentation of satisfactory evidence to the council of having met the continuing education requirements established by the council pursuant to RSA 326-D:5, I(e) and shall be accompanied by the renewal fee established pursuant to RSA 326-D:4, I(b). All certificates shall automatically lapse 2 years after the date of issuance unless a timely and complete renewal application has been filed with the council. In no event shall a certificate, for which a timely and complete application for renewal has been submitted, expire before the council has taken final action upon the application.

326-D:12 Administration of Drugs and Medications.

I. A midwife certified under this chapter may obtain, possess and administer the following medications under the conditions indicated:

- (a) Rh immune globin (Rhogam), if indicated.
- (b) Eye prophylaxis in accordance with RSA 132:6.
- (c) Oxygen for fetal distress and infant resuscitation.
- (d) Lidocaine Hydrochloride by infiltration and suture material, but only for the purpose of postpartum repair of tears, lacerations, or episiotomy.
- (e) Vitamin K by injection or oral vitamin K for control and prevention of acute and late onset hemorrhagic disease in the newborn.
- (f) Oxytocins such as pitocin, ergotrate, and methergine, by injection or orally, only for postpartum control of maternal hemorrhage.
- (g) Intravenous fluids such as Ringer's Lactate with or without D5W and Normosol-R with or without D5W, with no additional medications unless specifically ordered by physician.
- (h) Other drugs or medications as prescribed by a physician, consistent with the scope of midwifery practice as defined by the council.

II. A midwife certified pursuant to this chapter may lawfully purchase and have possession of the medications named in RSA 326-D:12, I, and the equipment normally required for administration. The labels attached to such medications and equipment shall indicate that they are for administrative use only.

III. A pharmacist who dispenses such medications to a certified midwife shall not be liable for any adverse reactions caused by any method of use by the midwife.

326-D:13 Reciprocity. The council may certify any applicant who is licensed in any other state, provided the other state's licensing or certification requirements are substantially equivalent to or higher than those of this state.

326-D:14 Exceptions.

I. Any person who was certified as a lay-midwife under the previous provisions of RSA 326-D shall be immediately eligible for certification as a midwife upon the effective date of this section.

II. Residents of this state who held themselves out as midwives prior to July 1, 1999, may continue to practice in this state without certification until June 30, 2001. Such midwives, however, shall obtain certification under this chapter by July 1, 2001 in order to practice midwifery. Such midwives may be certified under this chapter, if they meet all of the qualifications under RSA 326-D:7, except that experience requirements under RSA 326-D:7, V, shall be waived if the applicant can document at least 50 successful home births.

9 New Paragraph; Midwifery Not the Practice of Medicine. Amend RSA 329:21 by inserting after paragraph XIV the following new paragraph:

XV. Midwives certified pursuant to RSA 326-D and practicing midwifery pursuant to RSA 326-D:2, V.

10 Initial Appointments. The initial council appointees shall consist of one midwife and the obstetrician for a term of 4 years, one midwife and the pediatrician for a term of 3 years, and one midwife and the public member for a term of 2 years.

11 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill changes references from "lay-midwife" to "midwife." The bill replaces the advisory committee for the practice of lay-midwifery with a midwifery council. The council is administratively attached to the department of health and human services and is granted rulemaking authority for the purposes of the bill. The bill also requires certified midwives to comply with a continuing education requirement.

Adopted.

Report adopted and ordered to third reading.

### **HB 735-FN-A**, establishing a contributory judicial retirement plan. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill is the result of a study by the Judicial Committee of the House and two years of study by a chapter study committee of the last session. The amendment replaces the entire bill. The amendment proposed by the committee enhances the original plan. This bill establishes a contributory defined contribution plan for full time chief justices and associate justices of the supreme court, superior court, district courts and probate courts. This plan will apply to all appointments made after July 1, 2000. Present justices may change to the new plan prior to July 1, 2001, upon notification of their intent to the Director of the Administrative Office of the Court. Justices and widows presently receiving benefits from the state will not be affected. This is the first defined contribution plan proposed for sworn officers of the state. The plan will be operated by a qualified financial services company with the Administrative Office of the Court providing input to the fund manager from the members. Vote 18-0.

### **Amendment (1220h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. This act establishes a contributory retirement plan for all new judges appointed after the effective date of this act. Judges appointed prior to the effective date will have the option of starting in the new retirement plan within one year of its enactment while retaining the current level of benefits of the present system, or continuing on in the present non-contributory system until

retirement. The administrative office of the courts shall be responsible for establishing the defined contribution plan and for contracting with a provider for the administration of the defined contribution plan for eligible judges.

2 Chapter Heading Changed; Judicial Retirement. Amend the chapter heading of RSA 491-A to read as follows:

### JUDICIAL SALARIES AND RETIREMENT

3 New Subdivisions; Judicial Defined Contribution Plan. Amend RSA 491-A by inserting after section 4 the following new subdivisions:

#### Judicial Defined Contribution Plan

491-A:5 Judicial Defined Contribution Plan Established. The director of the administrative office of the courts shall contract with a suitable provider for the establishment, implementation, and administration of a defined contribution plan to provide for retirement benefits for retired judges of this state. The plan shall be tax qualified under applicable provisions of the federal Internal Revenue Code of 1986, as amended. The costs to the judicial branch of administration of the provisions of this subdivision shall be a charge against the biennial appropriation for the judicial branch.

#### 491-A:6 Membership.

I. Any judge of the district, probate, superior, and supreme courts appointed after July 1, 2000 may become a member of the plan. An eligible judge may choose not to participate.

II.(a) Any judge of the district, probate, superior, and supreme courts appointed prior to July 1, 2000 shall be permitted to become a member of the judicial defined contribution plan provided the judge notifies the director of the administrative office of the courts prior to July 1, 2001.

(b) A judge who provides notice pursuant to subparagraph (a) shall be eligible to receive retirement compensation provided from the general funds of the state pursuant to RSA 490:2, RSA 491:2, RSA 502-A:6-a, RSA 547:19-b, or RSA 547:19-d. The retirement benefit to be received, however, shall be the applicable percentage as applied to the judge's salary at the date the judge provided notice under subparagraph (a) and not the salary at the date of retirement of the judge.

491-A:7 Contributions. Contributions by members of the plan established under RSA 491-A:5, shall be matched by contributions from the state at a rate of \$2 for every \$3 contributed by the member, provided, however, the member may contribute no more than the allowable maximum contribution under United States Internal Revenue Code Section 415, and provided further that the state's matching contribution shall not exceed 4 percent of the member's annual salary, subject to any additional restrictions under applicable federal law. The sums necessary for the state contribution to the judicial defined contribution plan shall be appropriated from the general funds of the state. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

#### Survivorship Option

491-A:8 Survivorship Option. Any judge eligible to receive retirement benefits under RSA 490:2, RSA 491:2, RSA 502-A:6-a, RSA 547:19-b, or RSA 547:19-d may, at the time of the judge's retirement and prior to receiving benefits, elect to receive a reduced benefit payable during the member's life of 2/3 of the full retirement benefit amount, and a reduced benefit payable to the member's spouse beginning at the member's death of 1/3 of the member's full retirement benefit amount.

4 New Paragraph; Supreme Court; Retirement Compensation for Judges; Limitation. Amend RSA 490:2 by inserting after paragraph VI the following new paragraph:

VII. The provisions of this section which provide for additional compensation for retired judges or their beneficiaries shall apply only to judges appointed prior to July 1, 2000.

5 New Paragraph; Superior Court; Retirement Compensation for Judges; Limitation. Amend RSA 491:2 by inserting after paragraph VII the following new paragraph:

VIII. The provisions of this section which provide for additional compensation for retired judges or their beneficiaries shall apply only to judges appointed prior to July 1, 2000.

6 New Paragraph; District Court; Retirement Compensation for Judges; Limitation. Amend RSA 502-A:6-a by inserting after paragraph VI the following new paragraph:

VII. The provisions of this section which provide for additional compensation for retired judges or their beneficiaries shall apply only to judges appointed prior to July 1, 2000.

7 Probate Court; Retirement Compensation for Judges; Limitation. Amend RSA 547:19-b to read as follows:

547:19-b Retirement Due to Constitutional Age Limitation. Any judge of probate who is not a full-time judge under the provisions of RSA 547:2-a who retires from active regular service due to the provisions of RSA 493:2, relative to the constitutional age limitation, before January 1, 1981, after having served in such capacity for at least 7 years, or on January 1, 1981 or thereafter, having served in such capacity for at least 20 years; shall receive thereafter and until his death a salary equal to 3/4 of \$19,102 plus an adjustment proportional to any general pay increase granted to judicial branch employees payable in the same manner that salaries of judges of probate are paid. Such payments shall be a charge against the biennial appropriations for the probate court or from funds otherwise unappropriated. Retirement payments as provided in this section shall be in lieu of any rights or benefits under the New Hampshire retirement system to which such judge would otherwise be entitled. Any judge of probate who is a member of the state employees' retirement system or the New Hampshire retirement system may terminate his membership therein and upon termination any accumulated contributions shall be paid over to him on written request. No judge of probate whose membership is not so terminated shall be eligible for payments under this section. ***This section shall apply only to judges appointed prior to July 1, 2000.***

8 Probate Court; Retirement Compensation for Judges; Limitation. Amend RSA 547:19-d to read as follows:

547:19-d Retirement at Age 65. Any judge of probate, who is not a full-time judge under the provisions of RSA 547:2-a, who retires upon becoming 65 years old after having served in such capacity for at least 20 years, shall receive thereafter and until his death a salary equal to 3/4 of the sum of \$19,102 plus an adjustment proportional to any general pay increase granted to judicial branch employees. Such payments shall be a charge against the biennial appropriations for the probate court, and shall be included by the administrative office of the courts in its request for appropriations. Retirement payments as provided in this section shall be in lieu of any rights or benefits under the New Hampshire retirement system to which such judge would otherwise be entitled. Any judge of probate who is a member of the state employees' retirement system or the New Hampshire retirement system may terminate his membership therein and upon termination any accumulated contributions shall be paid over to him on written request. No judge of probate whose membership is not so terminated shall be eligible for payments under this section. ***This section shall apply only to judges appointed prior to July 1, 2000.***

9 Effective Date. This act shall take effect July 1, 2000.

#### AMENDED ANALYSIS

This bill establishes a contributory judicial defined contribution retirement plan administered by the administrative office of the courts which includes a 2 to 3 state match of contributions by member judges.

The bill also provides for a survivorship option for judges in the present non-contributing system. Adopted.

Rep. Dyer spoke in favor and yielded to questions.

Report adopted and referred to Finance.

Reps. Dalianis and Mirski declared conflicts of interest and did not participate.

**HB 576-FN-A**, establishing additional staff positions for child impact seminars, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Finance: Required seminars for parents involved in divorce or custody/child support disputes are already in statute. They are only provided in four counties because the court system cannot stretch its existing staff to oversee them in the other six. The seminars help the parents focus on impact on their children and are considered successful by both the parents, who pay the full cost, and the court. This bill, as passed earlier by the House, adds 3 1/2 staff at a cost of \$223,588 for the biennium to the court system to allow statewide implementation. The amendment clarifies the language. Some committee members questioned whether the parents should also pay the costs of court administration, but the logistics of returning this payment to the court were considered unwieldy, and the usual practice of the court is to absorb its own administrative costs of court-ordered courses and treatments. Vote 19-5.

**Amendment (1189h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing additional staff positions for statewide child custody and support impact seminars, and making an appropriation therefor.

Amend the bill by replacing sections 1-3 with the following:

1 Seminar for Parents Involved With Child Custody and Support Issues; Chapter Title Amended.

Amend the chapter heading of RSA 458-D to read as follows:

~~[SEMINAR FOR PARENTS INVOLVED WITH CHILD CUSTODY AND SUPPORT ISSUES]~~

**CHILD CUSTODY AND SUPPORT IMPACT SEMINARS**

2 Child Impact Seminars; Positions Created. There are hereby created 3 full-time court assistant III positions and one-part-time court assistant III position within the child impact program for the purpose of managing statewide child custody and support impact seminars pursuant to RSA 458-D.

3 Appropriation. The sum of \$111,794 for the fiscal year ending June 30, 2000, and the sum of \$111,794 for the fiscal year ending June 30, 2001, are hereby appropriated to the judicial branch for the purpose of establishing additional positions to manage statewide child custody and support impact seminars. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

**AMENDED ANALYSIS**

This bill authorizes and appropriates funds for the establishment of additional positions within the child impact program for the purpose of managing statewide child custody and support impact seminars.

Adopted.

Report adopted and ordered to third reading.

**HB 612-FN**, relative to compensation paid to jurors. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Steve Vaillancourt for Finance: Part I, Article 21 of the New Hampshire constitution states that jurors "ought to be fully compensated for their travel, time, and attendance." The current fee of \$10 per half day cannot be deemed full compensation. The majority determined that, at a minimum, the minimum wage should be the rate to constitute full compensation. Rather than set a specific dollar amount (and thus require a change whenever the minimum wage changes), the amendment uses the prevailing federal hourly minimum wage and defines a half day as three and a half hours. The current minimum wage of \$5.15 would mean a payment of \$18.03 per half day. This would result in an increased cost of approximately \$695,000 for the first full year the bill is in effect. Another \$204,000 is required to meet the mileage increase from the current 20 cents being paid to the prevailing rate for state employees, now 31 cents.

The majority believes this is a small price to pay to come into compliance with our constitution and provide jurors with a more reasonable rate of remuneration. As is evident from the closeness of the vote, some members of Finance disagreed. Some in the minority believed that while desirable, this raise cannot be afforded this year, especially in lieu of the hole in the budget created by the Claremont solution of April 29. There are simply other priorities. Others suggested that "fully compensated" might be thought of in non-financial terms, the satisfaction received from helping out in the process of government, for example.

The majority agrees with the 13-2 vote of the Judiciary Committee that "the juror pool has been expanded with recent changes in the law. More and more self-employed, parents needing day care, and individuals working in companies are being called to serve. This small increase is still a token for their monetary loss."

The majority of Finance concurs. In fact, many of the majority, noting that jury service (unlike being a state rep) is mandatory, would like to see an even larger increase in juror compensation. This was viewed as an affordable compromise, which we can, should, and must accomplish even in these tough times. Vote 13-12.

**Amendment (1011h)**

Amend the bill by replacing section 1 with the following:

1 Jurors' Fee and Mileage Increased. Amend RSA 500-A:15, I to read as follows:

I. Grand and petit jurors' fees and mileage shall be paid by the state. The jurors' fees shall be ~~[\$10]~~ **3 ½ times the prevailing federal hourly minimum wage** for each half day's attendance before a ~~[superior]~~ court; for each mile's travel to and from the place where the juror serves, mileage shall be paid at the **state employee** rate ~~[of \$.20 per mile, mileage to be allowed]~~ for each day's attendance when the juror is required to leave the town or city in which ~~[he]~~ **the juror** resides.

Adopted.

Rep. Torr yielded to questions.

### LAID ON THE TABLE

Rep. Torr moved that **HB 612-FN**, relative to compensation paid to jurors, be laid on the table. Adopted.

### SUSPENSION OF RULES

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit the Finance Committee to hold a hearing without the proper notice on **HB 300**, making technical corrections to 1999 HB 117.

Rep. Chandler spoke in favor and yielded to questions.

Rep. Chandler requested a roll call; sufficiently seconded.

### YEAS 276 NAYS 36

#### YEAS 276

#### BELKNAP

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Millham, Alida  
Salatiello, Thomas  
Wood, Jane

Czech, Stanley  
Pilliod, James  
Thomas, John

Holbrook, Robert  
Rice, Thomas  
Turner, Robert

#### CARROLL

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Sullivan, P Judith

Howard, Godfrey  
Mock, Henry  
Torresen, Gary

#### CHESHIRE

Avery, Stephen  
Hunt, John  
McGuirk, Paul  
Richardson, Barbara  
Royce, H Charles

Batchelder, Robert  
Lerandea, Alfred  
Meador, David  
Riley, William  
Smith, Edwin

Blaisdell, Michael  
Lynch, Margaret  
Mitchell, McKim  
Roberts, William  
Zerba, Roger

Burnham, Daniel  
Lynott, Margaret  
Pratt, John  
Rose, William

#### COOS

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr

Hawkinson, Marie  
Woodward, David

Merrill, Gerald

#### GRAFTON

Akins, Ralph  
Cobb, John  
Gilman, G Michael  
Mirski, Paul

Alger, John  
Copenhaver, Marion  
Guest, Robert  
Phinney, William

Almy, Susan  
Dudley, Terri  
Johnson, Gary

Brothers, Richard  
Eaton, Stephanie  
Marshall, Gene

#### HILLSBOROUGH

Ahern, Richard  
Baroody, Benjamin  
Bergin, Peter  
Burkush, James  
Clegg, Robert, Jr  
Curran, James

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Cote, David  
Dalianis, Griffin

Andrews, Frederick  
Belvin, William  
Bruno, Pierre  
Chabot, Robert  
Coughlin, Pamela  
Daniels, Gary

Arnold, Thomas, Jr  
Bergeron, Lucien  
Buckley, Raymond  
Christiansen, Lars  
Craig, James  
Dokmo, Cynthia

Drabinowicz, A  
Fenton, James  
Ford, Nancy  
Ginsburg, Ruth  
Hansen, Herbert  
Jean, Loren  
Kurk, Neal  
Lefebvre, Roland  
Lynde, Harold  
McCarty, Winston  
Messier, Irene  
Murphy, Robert  
Pappas, Marc  
Rowe, Robert  
Thulander, O Alan  
White, Donald

Durham, Susan  
Fields, Dennis  
Foster, Linda  
Goley, Jeffrey  
Herman, Keith  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
McGough, Tim  
Milligan, Robert  
O'Connell, Timothy  
Pepino, Leo  
Sarette, John  
Turgeon, Roland  
White, John

Dyer, Merton  
Fletcher, Richard  
Gagnon, Eugene  
Goulet, Maurice  
Herman, Richard  
Keye, Harvey  
LaRose, Richard  
Lessard, Rudy  
Martin, Mary  
Melcher, Harold  
Moran, Edward  
O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve  
Withee, Dennis

Emerton, Lawrence  
Flora, Kathleen  
Garrish, Linda  
Haetenschwiller, Alphonse  
Holley, Sylvia  
Konys, Christine  
Lasky, Bette  
Lozeau, Donnalee  
McCarthy, William  
Mercer, Robert  
Moriarty, Mary  
Ouellette, Dean  
Reeves, Sandra  
Tate, Joan  
Wall, Nancy

### MERRIMACK

Anderson, Eric  
Fortnam, Janet  
Hoadley, Elizabeth  
Leber, William  
Nichols, Avis  
Rodd, Beth  
Wallin, Jean  
Yeaton, Charles

Daneault, Gabriel  
Fraser, Marilyn  
Kennedy, Richard  
Lockwood, Priscilla  
Owen, Derek  
Seldin, Gloria  
Wallner, Mary Jane

Davis, Francis  
Hager, Elizabeth  
Langer, Ray  
Marshall, Kenneth  
Potter, Frances  
Soltani, Tony  
Whalley, Michael

Feuerstein, Martin  
Hess, David  
Larrabee, David, Sr  
Moore, Carol  
Poulin, Dave  
Virtue, Carolyn  
Whittemore, James

### ROCKINGHAM

Arndt, Janet  
Clark, Martha  
Dalrymple, Janeen  
Fesh, Robert  
Francoeur, Sheila  
Henderson, Warren  
Kane, Cecelia  
Letourneau, Robert  
Mikowski, Walter  
Pantelakos, Laura  
Rabideau, Marie  
Ruffner, Walter  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Clark, Vivian  
Dearborn, Bruce  
Flanagan, Natalie  
Gleason, John  
Hutchinson, Karen  
Kobel, Rudolph  
Lovejoy, Marian  
Norelli, Terie  
Pitts, Jacqueline  
Raynowska, Bernard  
Schanda, Frank  
Stone, Joseph  
Verani, Giovanni  
Whittier, John

Bishop, Franklin  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, David  
Griffin, Mary  
Hutchinson, Rebecca  
Langley, Jane  
Major, Norman  
O'Neil, Michael  
Priestley, Anne  
Reardon, Neil  
Shelton, Richard  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Christie, Andrew, Jr  
Cox, Russell  
Downing, Michael  
Flanders, John, Sr  
Hamel, Albert  
Johnson, Robert  
Langone, John  
McKinney, Betsy  
Packard, Sherman  
Quandt, Marshall  
Rubin, George  
Splaine, James  
Tufts, J Arthur  
Welch, David

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Kaen, Naida  
McKinley, Robert  
Snyder, Clair  
Tsiros, William

Bickford, David  
DeChane, Marlene  
Keans, Sandra  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Brown, George  
Dunlap, Patricia  
Knowles, William  
Rollo, Michael  
Spear, Barbara  
Wall, Janet

Brown, Julie  
Heon, Richard  
Lent, Donald  
Smith, Marjorie  
Torr, Franklin  
Woods, Phyllis

### SULLIVAN

Allison, David  
Jones, Constance  
Robb-Theroux, Amy

Burling, Peter  
Kibbey, David  
Wiggins, Celestine

Cloutier, John  
Leone, Richard  
Young, David

Donovan, Thomas, Jr  
McIntyre, Sara

**NAYS 36**

**BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Robertson, Timothy

Russell, Ronald

**COOS**

None

**GRAFTON**

Densmore, Jessica  
Weber, Phil

Hall, David

Ham, Bonnie

Hinman, Harry

**HILLSBOROUGH**

Arthur, Rose  
Hall, Betty  
Simon, Anthony

Beaupre, Roland  
Jean, Claudette

Gagnon, Paul  
Leonard, Peter

Gorman, Mary  
McRae, Karen

**MERRIMACK**

Bouchard, Candace  
Reardon, Tara

French, Barbara  
St Cyr, Gerard

Jacobson, Alf

Marple, Richard

**ROCKINGHAM**

Beaulieu, Jon  
Shultis, Elizabeth

Dolan, Richard  
Vaughn, Charles

Putnam, Ed, II

Sapareto, Frank

**STRAFFORD**

Brennan, William  
Pelletier, Marsha

Callaghan, Frank  
Twardus, Joseph

Gilmore, Gary

Pelletier, Arthur

**SULLIVAN**

Phinizy, James

Tuthill, John

and the motion was adopted by the necessary two-thirds.

**REGULAR CALENDAR (CONT'D.)**

**HB 726-FN**, relative to the credentialing of personnel in early care and education programs.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Jane Wallner for Finance: The Committee amended the bill to allow the Department of Health and Human Services to charge fees to child care personnel who request a credential. The intent is that the fee will cover the cost of preparing the credential. The bill appropriates \$5,500 each year to the Department for the purposes of this bill. Vote 24-1.

**Amendment (1219h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the credentialing of personnel in early care and education programs, establishing a fee for such credential, and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Credentialing of Personnel in Early Care and Education Programs. Amend RSA 170-E by inserting after section 49 the following new subdivision:

Credentialing of Personnel in Early Care and Education Programs

170-E:50 Credentialing of Personnel in Early Care and Education Programs; Rulemaking.



I. The commissioner shall adopt rules, under RSA 541-A, relative to accepting applications and issuing a credential to early care and education personnel including, but not limited to child care, preschool, and Head Start program personnel who have requested such a credential and who have satisfied the education and training requirements set forth in the child care program licensing rules established by the department of health and human services. Each application for a credential shall be accompanied by a fee which shall be credited to the general fund. The commissioner shall adopt rules, under RSA 541-A, establishing a fee for this purpose.

II. The department of health and human services shall incorporate this program, funded by the fee established in paragraph I of this section, into the next biennial department budget after the effective date of this section.

2 Appropriation. The sum of \$5,500 for the fiscal year ending June 30, 2000, and the sum of \$5,500 for the fiscal year ending June 30, 2001, is hereby appropriated to the department of health and human services for the purposes set forth in section 1 of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill permits the department of health and human services to collect a fee for the issuance of a certificate requested by individuals who have met the education and training requirements set forth by the department.

Adopted.

Report adopted and ordered to third reading.

**HB 545-FN**, relative to ambulatory surgical facilities. **OUGHT TO PASS WITH AMENDMENT** Rep. Peter Batula for Health, Human Services and Elderly Affairs: This bill would remove ambulatory surgical facilities from under the jurisdiction of the Certificate of Need board. The bill sponsors' intention was to remove the jurisdiction from the C.O.N. board. The sponsor and one of the co-sponsors agreed that this bill, amended to form a study committee to study the overall structure of ambulatory surgical centers, the C.O.N. board and all related issues, was a more appropriate approach to resolve some very complex issues dealing with this matter in a less stressful atmosphere. The committee will consist of three representatives and three senators. Overall, this is one of three similar bills and the most appropriate use of this bill, at this time, is to send it to further study. Vote 22-0.

### Amendment (1020h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study ambulatory surgical facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the overall structure of ambulatory surgical centers, the health services planning and review board, and any and all issues relating to these subject matters.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, one of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Three members of the senate, one of whom shall be from the public institutions, health and human services committee, appointed by the president of the senate.

II. The committee shall solicit information and advice from the following:

(a) The New Hampshire Hospital Association.

(b) The New Hampshire Medical Society.

(c) Any other group the committee deems necessary.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee's study shall include, but not be limited to, a study of the overall structure of ambulatory surgical centers, the health services planning and review board, and any and all issues relating to these subject matters. The committee shall also study the potential for establishing an external review committee for the board to obtain advice as to costs it oversees, the potential effects of ambulatory surgical centers in rural and semi-rural areas, and investigation of the potential for ambulatory surgical center openings in New Hampshire border communities in abutting states.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study ambulatory surgical facilities.

Adopted.

Report adopted and ordered to third reading.

**HB 615-FN-A**, establishing a brain and spinal cord injury trust fund and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. James Pilliod for Health, Human Services and Elderly Affairs: The committee considered extensive testimony on the needs of citizens with severe brain and spine injury. This population suffers long-term consequences of injuries that require ongoing treatment and need for durable medical equipment that has been incompletely met by current programs. The committee strongly supports this bill as ought to pass. Although the committee felt that the proposed services are desperately needed, they did not take a position on the proposed method of financing, believing that this was more appropriately the responsibility of the Finance committee Vote 18-1.

### Amendment (0698h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a brain and spinal cord injury trust fund and continually appropriating a special fund and establishing a registry for brain and spinal cord injuries.

Amend the bill by replacing all after section 3 with the following:

4 New Section; Trust Fund Established. Amend RSA 137-K by inserting after section 3 the following new section:

137-K:4 New Hampshire Brain and Spinal Cord Injury Trust Fund Established. There is hereby established in the office of the state treasurer a fund to be known as the New Hampshire brain and spinal cord injury trust fund. Receipts from additional license fees under Title 21 as provided in RSA 263:42, V shall be deposited into the fund. The fund shall be expended by the commissioner of the department of health and human services, after consultation with the advisory council, for direct service provision, including but not limited to, case management, family support, advocacy, and vocational support. The moneys in the fund shall be nonlapsing and shall be continually appropriated to the department for the purpose of the fund.

5 New Section; Definitions. Amend RSA 137-K by inserting after section 1 the following new section:

137-K:1-a Definitions. In this chapter:

I. "Brain and spinal cord injury" means any injury to the brain or spinal cord which causes death or requires medical care and treatment or results in long-term disability.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Department" means the department of health and human services.

IV. "Prevention services" means organized activities which are capable of reducing the incidence and prevalence of brain and spinal cord injuries.

V. "Risk assessment" means the measurement and evaluation of the threat resulting from these injuries.

VI. "Facility" means a governmental or private agency, department, institution, clinic, laboratory, hospital, health maintenance organization, association, physician, or other similar unit diagnosing or providing treatment for brain and spinal cord injuries.

6 Reference Change. Amend the introductory paragraph of RSA 137-K:2, I to read as follows:

I. There is established the New Hampshire brain and spinal cord injury advisory council in the department ~~[of health and human services]~~. The advisory council shall consist of the following members:

7 Reference Change. Amend the introductory paragraph of RSA 137-K:3 to read as follows:

137-K:3 Rulemaking. The commissioner [~~of health and human services~~] shall, after consultation with the advisory council established in RSA 137-K:2, adopt rules under RSA 541-A relative to:

8 Rulemaking Added. Amend RSA 137-K:3, V to read as follows:

V. *Conducting prevention and screening services and delivering education programs.*

VI. *Content and design of all forms and reports required by this chapter.*

VII. *Procedures for disclosure of information gathered by the brain and spinal cord registry, by monitoring and evaluating health data, and from completed risk assessments.*

VIII. Any other matter necessary for the administration of this chapter.

9 New Sections; Duties; Registry Established. Amend RSA 137-K by inserting after section 5 the following new sections:

137-K:5 Duties. The commissioner shall:

I. Educate the public regarding factors associated with the risk of brain and spinal cord injuries.

II. Monitor the morbidity and mortality of brain and spinal cord injuries.

III. Evaluate available health data for use in delivering prevention services.

IV. Offer prevention services to population groups at risk of developing brain and spinal cord injuries.

V. Undertake risk assessment activities.

137-K:6 Brain and Spinal Cord Injury Registry Established. There shall be established in the department a brain and spinal cord injury registry for compilation and analysis of information relating to the incidence, diagnosis, and treatment of brain and spinal cord injuries.

137-K:7 Reporting. All facilities shall provide a report to the brain and spinal cord injury registry containing information regarding a brain and spinal cord injury diagnosed or being treated.

137-K:8 Disclosure; Confidentiality.

I. A report provided to the brain and spinal cord injury registry disclosing the identity of an individual, who was reported as having a brain and spinal cord injury, shall only be released to persons demonstrating a need which is essential to health-related research, except that the release shall be conditioned upon the personal identities remaining confidential.

II. Analyses and compilations of data prepared under RSA 137-K:5 which do not disclose the identity of an individual and which cannot be used to surmise an identity shall be available to the public under RSA 91-A.

III. The physician-patient privilege shall not apply to reports prepared pursuant to RSA 137-K:7.

137-K:9 Maintenance of Reports. Reports provided to the brain and spinal cord injury registry under RSA 137-K:7, and analyses and data prepared under RSA 137-K:5 shall be maintained by the department in a manner suitable for brain and spinal cord injury research purposes, and shall be available to persons as prescribed in RSA 137-K:8.

10 Fee Increased. Amend RSA 263:42, V to read as follows:

V. Whenever a driver's license has been suspended or revoked, or notwithstanding RSA 263:56-a, III, whenever the holder of a commercial driver license has been disqualified for a period of greater than 15 days, a fee of [~~\$50~~] **\$100** shall be paid by the licensee for the restoration of such license or commercial driver license. Under certain conditions the commissioner may waive the restoration fee for a default or suspension. The commissioner shall adopt rules, under RSA 541-A, relative to such waiver procedures. *Fifty dollars of each such fee shall be forwarded to the state treasurer, who shall credit such moneys to the New Hampshire brain and spinal cord injury trust fund, established in RSA 137-K:4.*

11 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (vvv) the following new subparagraph:

(www) Moneys received under and RSA 263:42, V, which shall be credited to the New Hampshire brain and spinal cord injury trust fund, established in RSA 137-K:4.

12 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a brain and spinal cord injury trust fund. The fund is to be capitalized by an increased fee for suspended or revoked licenses.

This bill also establishes a registry for compilation and analysis of information relating to brain and spinal cord injuries.

Adopted.

Report adopted and referred to Finance.

**HB 657-FN**, relative to the health services planning and review board. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT

Rep. Peter Batula for the Majority of Health, Human Services and Elderly Affairs: As explained in HB 419, the "Certificate of Need Board" was initially mandated into law as a watchdog on escalating medical costs. The board is no longer a federal mandate and many states have repealed the law for various reasons. Those include failure to slow down escalating medical costs as originally intended, and whether intentional or unintentional, it all but puts a moratorium on competition. The board has, at least in perception, created a wide division between physicians and hospitals. For example: Hospitals' cash cows are the operating rooms and in many instances, they build more surgical centers to reap the most often overpriced surgeries profits. If the cost of these additional surgical centers exceeds \$1.5 million, they need C.O.N. approval and they have usually been approved based on past history. The problem arises when perhaps a group of physicians wish to build and open a private freestanding multi-use surgical center, which would obviously compete for the non-emergency type surgeries. If their building costs are expected to exceed \$1,000,000, they need C.O.N. approval. That is where the problem starts, as the C.O.N. board controls not only the destiny of the approval process, but also has the power to shut down competition for the hospitals, even though a Blue Cross/Blue Shield study shows that ambulatory surgical centers reduce surgery costs by 47%, while providing quality, affordable health care for all citizens. 2600 ambulatory surgical centers have opened in the country and not one hospital has closed because of them. The federal government encourages the growth of these centers, due to cost savings. HB 657 restructures the C.O.N. board from seven to nine members, adjusts the capital expenditure threshold of \$1,250,000 and levels the playing field between hospitals and surgical centers. There is and was an attempt to lower the threshold from the \$1,250,000 and if adopted, this would create a moratorium on ambulatory surgical centers, meaning higher surgical costs due to a lack of competition. A vote to lower the threshold (producing a moratorium on competition) is indeed a journey in the wrong direction on the subject of controlling escalating medical costs. Vote 12-8.

Rep. Marion L. Copenhagen for for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee believes that ambulatory surgical centers should be subject to review by the Health Services, Planning and Review Committee (known as the Certificate of Need Board) to determine if there is a public need or to avoid costly duplicative services. The bill as passed, has a threshold of \$1,250,000 which in effect, exempts these ambulatory surgical centers from the public review process. The minority feels the threshold should be \$750,000, in order for the state to maintain a healthy balance of these necessary surgical facilities.

### MOTION TO SPECIAL ORDER

Rep. Emerton moved that **HB 657-FN**, relative to the health services planning and review board, be made a Special Order for May 25, 1999 as the first order of business after the adoption of the day's Consent Calendar.

Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 471**, exempting family owned and operated businesses from certain requirements in the workers' compensation act relative to safety programs. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gary P. Torressen for the Majority of Labor, Industrial and Rehabilitative Services: This bill, as amended, establishes an incentive program that offers small family-owned business with 15 or less employees a reprieve from bureaucratic safety regulatory requirements in return for maintaining a good safety record. All companies with 10 or more employees must now comply with mandatory safety regulations, which require the creation of a safety plan, the establishment

of a safety committee and the yearly filing of a safety report. The majority felt that any small family-owned business (15 or less employees) that maintained a 3-year safe, injury-free track record without individual loss time that exceeded two days should be rewarded by permitting them to be exempted from the mandatory requirements to which they had been subject for three years or more. This would assist these businesses by alleviating a little of the bureaucratic paperwork and regulations that now plague many small businesses. We in the majority believe safety is vitally important. We also realize that businesses are becoming increasingly burdened by the regulatory requirements we place on them. We do not believe that businesses will suddenly become safety-insensitive after having striven for three years to achieve a safe, injury-free track record that finally makes them eligible for the exemptions they have been seeking. It makes no sense to believe that having achieved that goal, businesses would abandon their safety programs, knowing that just one individual loss time claim exceeding two days will draw them back into the mandatory systems for at least another three years and forfeit all that they had gained. The ideal situation is for businesses to be safety conscious without the heavy hand of government. The amendment to this bill provides a 3-year "training" period under government supervision in which companies learn to become safety conscious. Once eligible companies have demonstrated through their safe, injury-free track record that they have learned to handle safety issues responsibly it is only right that they be given their "diploma" by relaxing some of the applicable burdensome mandates to which they are now subject. Vote 10-9.

Rep. Rebecca C. Hutchinson for the Minority of Labor, Industrial and Rehabilitative Services: Currently businesses with less than 10 employees are exempt from the safety program requirements. Both the Department of Labor & the BIA did not support the original bill to increase the exemption because of their belief that the safety programs have contributed to the approximate 30% reduction in workers compensation insurance premiums to the employer. The minority did not think it wise to increase the exemption to 15 employees, as the amendment would require. Furthermore, the current reporting requirement is a simple, 10-question form.

#### **Amendment (0795h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** exempting certain family owned and operated businesses from certain requirements in the workers' compensation act relative to safety programs.

Amend RSA 281-A:64, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Subparagraph (a) shall not apply to family owned and operated businesses of 15 employees or less, provided that the employer does not have lost time claims over a 3-year period which exceed 3 days for any employee.

Amend RSA 281-A:64, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Subparagraph (a) shall not apply to family owned and operated businesses of 15 employees or less, provided that the employer does not have lost time claims over a 3-year period which exceed 3 days for any employee.

#### **AMENDED ANALYSIS**

This bill exempts certain family owned and operated businesses from certain requirements under the workers' compensation act relative to safety.

On a division vote, 216 members having voted in the affirmative and 81 in the negative, the amendment was adopted.

Majority report adopted and ordered to third reading.

**HB 578**, relative to a recovery against a third party related to a workers' compensation claim. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy W. Wall for Labor, Industrial and Rehabilitative Services: The present law has worked effectively. The employee is compensated for lost earnings no matter the circumstances, since workers' compensation is a no-fault system. The court recognized double recovery by providing reimbursement to the carrier. The existing statute strikes a delicate balance between the rights of the worker who will receive workers' compensation benefits regardless of who may be at fault. The new provision would allow too much discretion to the court or the Department of Labor. Vote 13-6.

Adopted.

**HB 606-FN**, relative to compensation for law enforcement officers who are injured in the line of duty. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy W. Wall for Labor, Industrial and Rehabilitative Services: This bill requires the Commissioner of Labor to review workers compensation managed care programs every five years after the initial review; and also raises the per diem from \$150 to \$200 for the attorney who chairs the Compensation Appeals Board. Vote 15-3.

### **Amendment (0962h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to managed care programs under workers' compensation and relative to certain members of the compensation appeals board.

Amend the bill by replacing all after the enacting clause with the following:

1 Managed Care Programs. RSA 281-A:23-a, VI is repealed and reenacted to read as follows:

VI.(a) The commissioner shall monitor approved managed care programs and shall review the effectiveness of the various programs, cost savings achieved by such programs, and the appropriateness and timeliness of services delivered to the injured employee by such programs. The commissioner shall review each managed care program for purposes of determining the program's continued compliance with the standards for approval and delivery of service. Such review shall take place prior to the expiration of 3 years from the date the program's approval was ratified by the advisory council. Additional review shall take place at least once every 5 years thereafter, or whenever the commissioner determines that such review is required to ensure the program is in compliance with this section. Upon such review, if the commissioner determines after a hearing that a managed care program has failed to maintain compliance with the standards for approval, the commissioner shall withdraw approval of the plan and immediately notify the chairperson of the advisory council of such withdrawal. The commissioner's decision to withdraw approval of a managed care program shall be submitted to the advisory council within 5 days of such a decision and shall be deemed accepted by the advisory council unless, at its first regularly scheduled meeting held at least 19 days after the commissioner's decision, the council, by a majority vote of all its members qualified to vote on ratification, declines to ratify the decision, stating in writing the reasons why the program continues to comply with the requirements of this section and rules adopted pursuant to it. Neither the commissioner nor the insurance commissioner shall be qualified to vote on ratification.

(b) If the commissioner determines that a managed care program has failed to comply with the provisions of this section or the rules adopted to implement such section, but that such failure does not warrant withdrawal of approval of the program, the commissioner may, after notice to the managed care program and hearing assess a civil penalty of not more than \$100 for each such failure. If a managed care program fails to pay such penalty the commissioner shall recover the penalty in a civil action in the superior court of the county of jurisdiction.

(c) The commissioner, with the approval of the workers' compensation advisory council and the governor and council, may enter into such contracts as may be necessary to analyze and study the effectiveness of managed care programs. The cost of any contracts entered into under this subparagraph shall be a charge against the workers' compensation administration fund, established under RSA 281-A:59.

2 Appeals Board; Per Diem for Certain Board Members. Amend RSA 281-A:42-a, III to read as follows:

III. *Attorney members of the board shall receive \$200 per diem and all other* members of the board shall each receive \$150 per diem for each day devoted to the work of the board and shall be reimbursed for necessary travel expenses.

3 Hearings and Awards; Board Added. Amend RSA 281-A:43, II to read as follows:

II. A decision of the commissioner [or], the commissioner's authorized representative, *or the board* shall take effect upon the date of notification and shall become final, in the absence of an appeal from it, 30 days after notification. Payment of weekly compensation and entitlement to medical and vocational benefits, if necessary and so ordered by the commissioner, shall begin or continue as soon as possible, but no later than 5 working days after the decision's effective date, and shall not be terminated except in accordance with the terms of the decision or of a final court determination. If the commissioner determines that the employer has failed to comply with the order,

then the commissioner may assess a penalty not to exceed \$100 for each day of noncompliance, beginning on the date of notification of its assessment. Upon continued failure to comply with an order to make payment of the compensation or medical benefits, or to institute vocational rehabilitation, or to pay the penalty, or any combination thereof, the commissioner shall petition the superior court for an injunction to comply. The commissioner shall deposit with the state treasurer any penalty collected under this section.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

The bill requires the commissioner of labor to review workers' compensation managed care programs every 5 years after the initial review. The bill also raises the per diem for attorney members of the compensation appeals board.

Adopted.

Report adopted and ordered to third reading.

**HB 636-FN**, relative to public safety employee collective bargaining negotiations under the public employee labor relations act. RE-REFER TO COMMITTEE

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The committee spent an extreme amount of time and effort on the subject of how to better serve the local communities in reference to collective bargaining. In 1998, the committee spent four months traveling from county to county holding public hearings. This year, the committee has worked for five months trying to reach a consensus among both unions and municipalities. The continued attempt to create a perfect law has raised many more questions, which must be addressed. The committee respectfully requests the House allow us to continue our work by re-referring this bill. Vote 14-5. Adopted.

**HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: In order to further the state's policy of promoting the development of a competitive electric supply market in New Hampshire and to give municipalities the ability to attract new electric generation facilities and retain existing generation facilities that have become subject to the economic pressures of a deregulated market, the general court believes that it is desirable to give municipalities the authority to exempt from taxation certain personal property that is used in the manufacture of electricity.

This bill gives the governing body the authority to determine an exemption. The amendment sets up that the determination requires approval by the legislative body of the municipality.

The determination for exemption may be applied to new construction of electric generating facilities, to retain existing electric generation facilities or to foster economic development.

At least four items must be disclosed to and approved by the legislative body: fair market value of equipment exempted, the term of the exemption, any agreement for payments of taxes, and/or agreement for payment in lieu of taxes.

An additional amendment to sunset the availability of this option on July 1, 2004 was adopted by the committee. If an exemption is granted by the legislative body, the agreement is not subject to the sunset date. Vote 11-4.

### Amendment (1063h)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. In order to further the state's policy of promoting the development of a competitive electric supply market in New Hampshire and to give municipalities the ability to attract new electric generation facilities and retain existing generation facilities that have become subject to the economic pressures of a deregulated market, the general court believes that it is desirable to give municipalities the authority to exempt from taxation certain personal property that is used in the manufacture of electricity.

2 Personal Property Used in Manufacture of Electricity; Exemption from Property Tax Authorized. Amend RSA 72:8 to read as follows:

72:8 Electric Plants and Pipe Lines.

1. All structures, machinery, dynamos, apparatus, poles, wires, fixtures of all kinds and descriptions, and pipe lines employed in the generation, production, supply, distribution, transmis-

sion, or transportation of electric power or natural gas, crude petroleum and refined petroleum products or combinations thereof, shall be taxed as real estate in the town in which said property or any part of it is situated; provided that no electric power fixtures which would otherwise be taxed under this section shall be taxed under this section if they are employed solely as an emergency source of electric power.

II.(a) A governing body of a municipality may exempt from taxation under this section any portion of the personal property employed in the generation and production of electric power that would otherwise be subject to taxation under paragraph I in accordance with this paragraph. If a municipality exempts any such property from taxation, the exemption shall apply to all owners of such property within the municipality.

*(b) The governing body of each municipality shall make the determination to exempt from taxation so much of the equipment for the generation and production of electric power and for such a term of years as the governing body determines will attract new construction of electric generation facilities, retain existing electric generation facilities, or foster economic development.*

*(c) Such determination, including but not limited to the fair market value of the equipment exempted, the term of the exemption, any agreement for payment of taxes, and/or any agreement for payment in lieu of taxes, shall be subject to approval of the legislative body of the municipality.*

3 Repeal. RSA 72:8, II, relative to an optional exemption from the property tax for personal property used in the manufacture of electricity, is repealed.

4 Applicability. The repeal of RSA 72:8, II under section 3 of this act shall not affect the validity of the terms of any exemption granted by a municipality under RSA 72:8 prior to the effective date of section 3 of this act.

5 Effective Date.

I. Section 3 of this act shall take effect July 1, 2004.

II. The remainder of this act shall take effect July 1, 1999.

#### AMENDED ANALYSIS

This bill authorizes municipalities to exempt from the local property tax any portion of personal property employed in the generation and production of electric power that would otherwise be subject to taxation. The authority to grant this exemption is repealed on July 1, 2004.

Adopted.

Rep. Patten offered a floor amendment.

#### Floor Amendment (1375h)

Amend RSA 72:8, II as inserted by section 2 of the bill by inserting after subparagraph (c) the following new subparagraph:

*(d) Any portion of personal property exempted under the provisions of this paragraph from taxation for a term of years shall be deemed subject to local property taxation for purposes of the utility property tax imposed by RSA 83-F on utility property as defined in RSA 83-F:1, V.*

Rep. Patten spoke in favor.

Adopted.

Rep. Hess yielded to questions.

#### MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power, be laid on the table.

On a division vote, 103 members having voted in the affirmative and 190 in the negative, the motion failed.

The question now being the adoption of the report.

On a division vote, 214 members having voted in the affirmative and 80 in the negative, the report was adopted.

Ordered to third reading.

Rep. MacGillivray wished to be recorded against.



**HB 464**, relative to economic development and retention rates and special contracts. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee amendment replaces the entire bill with a set of purpose and findings statements concerning the securitization of electric utility stranded costs. Though the subject matter of the amendment is different than that of the original bill, it has received a proper public hearing. The committee retains another bill, HB 457, that may be used at a later point to provide the actual authorization to use securitization if circumstances justify it.

Securitization (secured bonds) of an electric utility's stranded costs has been used in other states as a refinancing technique to lower the cost to customers of recovery of past utility investments; i.e., stranded costs that would not be recoverable in a competitive environment. The utility recovers the portion of its stranded costs covered by the secured bonds on an up-front basis in a lump sum payment. Bondholders finance that transaction on the basis of legislation that commits ratepayers to repay the commitment generally over a 10 to 12 year period. Repayment is an irrevocable guarantee. Due to that guarantee the bonds would expect to be AAA rated and, as such, lower the costs to customers of stranded cost recovery.

Utilities stand to benefit through use of these secured bonds. Utilities receive this portion of their stranded costs immediately at a time when having cash for acquisitions is advantageous. Risk of not recovering these stranded costs is removed. Risk removal is very attractive for a utility as self-generation is becoming an increasingly viable option for large electricity users and may well become viable for residential customers in the near future. Risk removal may allow a utility to recapitalize its debt structure and become more attractive as an investment opportunity. Some utilities that have used secured bonds to recover stranded costs have seen substantial stock appreciation.

The committee amendment recognizes these benefits to a utility and sets out corresponding principles of customer benefits that should also be achieved through this process of secured bonding. Those customer benefits include: lower electric rates, effective customer choice of electricity provider, electric rates that approach regional averages in four years, and potential risk sharing by a utility if a regional average is not approached. The principles also include calls for further efforts to reduce the high cost of wood to energy power, the end of litigation against restructuring efforts in New Hampshire, and filing of any proposed settlement with the Public Utilities Commission prior to further consideration of secured bonding legislation.

This committee amendment is a purpose and findings statement only. It does not authorize the use of secured bonds nor does it state how much stranded costs a utility could potentially recover through this process. Further legislation would have to be approved by both the House and Senate after a settlement is reached, prior to using secured bonds. If a settlement is reached, that would be the time to consider further legislation. However, the Science, Technology and Energy Committee feels it is important at this time to state these broad policy principles. Vote 15-0.

**Amendment (1182h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to electric rate reduction financing.

Amend the bill by replacing all after the enacting clause with the following:

**1 Statement of Purpose.**

I. The state of New Hampshire and Public Service Company of New Hampshire (PSNH) are in the process of negotiating a settlement to resolve the outstanding issues concerning the implementation within PSNH's service territory of electric utility restructuring pursuant to RSA 374-F. Any settlement proposal that results from these negotiations will in all likelihood include a component for securitizing a portion of PSNH's stranded costs.

II. It is important that the general court, through the declaration of purpose and findings of RSA 369-A:1, express its understanding of securitization and the criteria that are essential to meet prior to authorizing the use of securitization.

2 New Chapter; Electric Rate Reduction Financing. Amend RSA by inserting after chapter 369 the following new chapter:

**CHAPTER 369-A****ELECTRIC RATE REDUCTION FINANCING**

369-A:1 Declaration of Purpose and Findings. The general court finds that:

I. Restructuring of electric utilities to provide greater competition and more efficient regulation has been found by the general court to be in the public good and New Hampshire is now aggressively pursuing restructuring and increased customer choice in order to provide electric service at lower and more competitive rates.

II. The transition to competitive markets for electricity is a complex endeavor and requires the development of creative and flexible mechanisms to facilitate the movement from monopoly to competition.

III. The establishment of structured financing options for public utilities will enhance and facilitate the expeditious transition to competition, choice for retail electric customers, and reductions in electric rates for all customer classes consistent with the near term rate relief principle of RSA 374-F:3, XI, without creating any debt or obligation of the state or other adverse impacts upon the state's finances or credit rating. Structured financing options may facilitate and help mitigate stranded cost recovery that the commission determines is appropriate, equitable, and balanced pursuant to authority granted in RSA 374-F:3, XII and 374-F:4.

IV. Structured finance options are best pursued in the context of settlement agreements between a utility and the commission concerning the implementation of competition.

V. Rate reduction bonds are instruments underwritten for recovery by a guaranteed promise of customer repayment as part of the stranded cost recovery charge on a customer's bill. These bonds' irrevocable guarantee of repayment creates a secure expectation of performance and thus allows for an attractive rate of refinancing of a utility's stranded costs.

VI. Stranded costs are at significant risk of not being recovered under traditional rate regulation and market pressures. Electricity prices in New Hampshire are so high as to cause customers to aggressively consider fuel switching, conservation, or self generation. Technological innovation may soon allow small scale self generation units to be viable in the near future. Over time, technological innovation will increasingly threaten the recovery of stranded costs.

VII. Once stranded costs are securitized through rate reduction bonds, a utility immediately recovers through a lump sum payment that portion of its stranded costs underwritten by the bond. As such, the risk of not recovering that portion of a utility's stranded costs is completely removed. The utility may then favorably recapitalize its debt structure taking advantage of its improved risk profile.

VIII. A lump sum payment derived from a rate reduction bond provides a large infusion of cash with which a utility may repay its debt. This infusion of cash also gives a utility a tremendous opportunity to become a major participant in deregulated electric generation markets or deregulated telecommunication markets.

IX. The financial and security advantages that accrue to a utility in the form of improved debt structure, risk reduction, and new cash resources could make such a utility an attractive investment opportunity. It is likely that any such utility's publicly traded stock value would rise considerably, especially for a utility that had faced significant investor uncertainty.

X. The extraordinary benefits that utilities and their investors will receive through issuance of rate reduction bonds are appropriate and fair, but only to the extent that customers also receive equitable and extraordinary benefits. Unless these customer benefits can be achieved at the same time that utilities receive the extraordinary benefits of securitization, the use of revenue reduction bonds and the irrevocable obligation they create for customers is not in the public interest. The benefits to customers should be substantially consistent with the following principles:

(a) The opportunity to choose among a range of competitive suppliers in a manner that promotes public trust in the benefits of competitive options. Public trust is not achieved if a utility uses rate reduction bonds to maintain a commanding presence in all of the traditional utility functions of transmitting, distributing, and generating electricity.

(b) Electricity prices consistent with RSA 374-F:3, XI, the near term rate relief principles for all customer classes.

(c) Electricity prices that approach the regional average within 4 years.

(d) Electricity prices that do not create another rate gap for New Hampshire customers.

(e) Risk sharing by the utility of the non securitized portion of the utility's stranded cost should regional average prices not be approached in 4 years.

(f) The continued opportunity for end users to generate electricity for their own use without an exit fee.

(g) Further renegotiations between representatives of the 6 wood-to-energy facilities, Public Service Company of New Hampshire, the public utilities commission, and other interested parties in order to reduce customer cost of this source of electricity.

(h) The cessation of any dispute, litigation, or regulatory proceedings concerning any electric restructuring issue, in any forum where the utility's position is adverse to the state of New Hampshire, the commission, or the New Hampshire Electric Cooperative prior to use of structured financing options.

(i) Retention of commission jurisdiction over any proposed settlement.

(j) Filing of any proposed settlement at the public utilities commission prior to further legislative consideration of authorization to use structured financing options.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill expresses certain legislative purposes and findings relative to electric rate reduction financing.

Adopted.

Rep. Naida Kaen spoke against.

Rep. Bradley spoke in favor and yielded to questions.

### MOTION TO LAY ON THE TABLE

Rep. Karen Hutchinson moved that **HB 464**, relative to electric rate reduction financing, be laid on the table.

On a division vote, 63 members having voted in the affirmative and 221 in the negative, the motion failed.

The question now being the adoption of the report.

Adopted and ordered to third reading.

Rep. MacGillivray wished to be recorded against.

**HB 512**, relative to limiting work hours for 16 and 17- year old persons enrolled in school. **INEX-PEDIENT TO LEGISLATE**

Rep. C. Michael Gilman for Labor, Industrial and Rehabilitative Services: The committee found that this bill as written, if implemented, would contribute to undermining the role of parents' authority in the lives of their teenagers. The bill would also create a stricter regulation than that of present federal regulations. Vote 16-2.

Rep. Pitts spoke against.

Rep. Daniels spoke in favor and yielded to questions.

Rep. Pitts requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 190 NAYS 94

#### YEAS 190

#### BELKNAP

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph

Boyce, Robert  
Millham, Alida  
Salatiello, Thomas

Czech, Stanley  
Pilliod, James  
Turner, Robert

Holbrook, Robert  
Rice, Thomas  
Wendelboe, Francine

#### CARROLL

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
MacDonald, Kenneth  
Torressen, Gary

Howard, Godfrey  
Patten, Betsey

#### CHESHIRE

Blaisdell, Michael  
Smith, Edwin

Hunt, John

Meador, David

Royce, H Charles

#### COOS

Davis, Perley  
Tholl, John, Jr

Guay, Lawrence  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Johnson, Gary

Alger, John  
Gilman, G Michael  
Marshall, Gene

Cobb, John  
Hall, David  
Mirski, Paul

Dudley, Terri  
Hinman, Harry  
Phinney, William

**HILLSBOROUGH**

Alukonis, David  
Baroody, Benjamin  
Bergin, Peter  
Carlson, Donald  
Dalianis, Griffin  
Dyer, Merton  
Fletcher, Richard  
Goley, Jeffrey  
Holley, Sylvia  
LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Milligan, Robert  
Pappas, Marc  
Sarette, John  
Vaillancourt, Steve

Andrews, Frederick  
Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Daniels, Gary  
Emerton, Lawrence  
Flora, Kathleen  
Goulet, Maurice  
Jean, Loren  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McGough, Tim  
Murphy, Robert  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

Arnold, Thomas, Jr  
Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Dokmo, Cynthia  
Fenton, James  
Foster, Linda  
Hansen, Herbert  
Kurk, Neal  
Leishman, Peter  
Martin, Mary  
Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Tate, Joan

Arthur, Rose  
Belvin, William  
Burkush, James  
Clegg, Robert, Jr  
Durham, Susan  
Fields, Dennis  
Gagnon, Eugene  
Herman, Keith  
LaPorte, George  
Lessard, Rudy  
McCarthy, William  
Messier, Irene  
O'Hearn, Jane  
Rowe, Robert  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
Lockwood, Priscilla  
Poulin, Dave  
Virtue, Carolyn

Daneault, Gabriel  
Langer, Ray  
Marple, Richard  
Rodd, Beth  
Whalley, Michael

Hess, David  
Larrabee, David, Sr  
Marshall, Kenneth  
Seldin, Gloria  
Whittemore, James

Hoadley, Elizabeth  
Leber, William  
Nichols, Avis  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Downing, Michael  
Flanders, John, Sr  
Hutchinson, Rebecca  
Major, Norman  
O'Neil, Michael  
Quandt, Marshall  
Schanda, Frank  
Varrell, Thomas  
Weyler, Kenneth

Beaulieu, Jon  
Clark, Vivian  
Dearborn, Bruce  
Fesh, Robert  
Francoeur, Sheila  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Reardon, Neil  
Shelton, Richard  
Verani, Giovanni  
Zolla, William

Belanger, Ronald  
Cooney, Richard  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Langone, John  
Mikowski, Walter  
Priestley, Anne  
Ruffner, Walter  
Stickney, Nancy  
Weare, Everett

Bishop, Franklin  
Cox, Russell  
Dolan, Richard  
Flanders, David  
Henderson, Warren  
Letourneau, Robert  
Norelli, Terie  
Putnam, Ed, II  
Sapareto, Frank  
Stritch, C Donald  
Welch, David

**STRAFFORD**

Callaghan, Frank  
Rollo, Michael  
Wall, Janet

Dunlap, Patricia  
Spear, Barbara

Heon, Richard  
Torr, Franklin

McKinley, Robert  
Tsiros, William

**SULLIVAN**

Burling, Peter  
McIntyre, Sara

Jones, Constance  
Phinizy, James

Kibbey, David  
Robb-Theroux, Amy

Leone, Richard  
Young, David

**NAYS 94****BELKNAP**

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Batchelder, Robert  
McGuirk, Paul  
Riley, William  
Zerba, Roger

Burnham, Daniel  
Mitchell, McKim  
Robertson, Timothy

Lerandeau, Alfred  
Pratt, John  
Rose, William

Lynott, Margaret  
Richardson, Barbara  
Russell, Ronald

**COOS**

Hawkinson, Marie

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Ham, Bonnie

Brothers, Richard

Copenhaver, Marion

Guest, Robert

**HILLSBOROUGH**

Ahern, Richard  
Craig, James  
Ginsburg, Ruth  
Herman, Richard  
L'Heureux, Robert  
McRae, Karen  
Turgeon, Roland

Bergeron, Lucien  
Curran, James  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
Melcher, Harold  
White, John

Buckley, Raymond  
Gagnon, Paul  
Haettenschwiller, Alphonse  
Keye, Harvey  
Leonard, Peter  
Moriarty, Mary

Cote, David  
Garrish, Linda  
Hall, Betty  
Konys, Christine  
Lynde, Harold  
Simon, Anthony

**MERRIMACK**

Bouchard, Candace  
Fraser, Marilyn  
Potter, Frances  
Yeaton, Charles

Davis, Francis  
French, Barbara  
St Cyr, Gerard

Feuerstein, Martin  
Moore, Carol  
Wallin, Jean

Fortnam, Janet  
Owen, Derek  
Wallner, Mary Jane

**ROCKINGHAM**

Clark, Martha  
Langley, Jane  
Raynowska, Bernard  
Whittier, John

Hutchinson, Karen  
Lovejoy, Marian  
Shultis, Elizabeth

Johnson, Robert  
Pantelakos, Laura  
Splaine, James

Kane, Cecelia  
Pitts, Jacqueline  
Vaughn, Charles

**STRAFFORD**

Brennan, William  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair

Brown, George  
Keans, Sandra  
Pelletier, Marsha  
Spang, Judith

Brown, Julie  
Knowles, William  
Rogers, Rose Marie  
Twardus, Joseph

Cossette, Larry  
Lent, Donald  
Smith, Marjorie  
Woods, Phyllis

**SULLIVAN**

Allison, David  
Wiggins, Celestine

Cloutier, John

Donovan, Thomas, Jr

Tuthill, John

and the report was adopted.

**UNANIMOUS CONSENT**

Rep. Mirski addressed the House.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Guay moved that the House reconsider its action where by it ordered to third reading **HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power, and spoke against.

Rep. Mirski spoke in favor and yielded to questions.

Reps. Vaillancourt and Soltani spoke in favor.

Reps. Hess and Bradley spoke against and yielded to questions.

On a division vote, 151 members having voted in the affirmative and 117 in the negative, reconsideration prevailed.

### MOTION TO SPECIAL ORDER

Rep. Mirski moved that **HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power, be made a Special Order for May 25, 1999 in the regular calendar order.

Adopted.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 25, 1999 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 722-FN**, revising the law relative to protection of persons from domestic violence.

**HB 443**, allowing certain beverage manufacturers to distribute products directly to retailers.

**SB 13**, relative to the bonding authority of joint boards in joint maintenance agreements and relative to the eligibility of joint maintenance agreement districts for school building aid.

**SB 152-L**, relative to the procedures for establishing a charter school.

**SB 204**, establishing the New Hampshire excellence in higher education endowment trust fund.

**HB 449-FN**, requiring boating safety education.

**HB 524**, increasing the alternate members on the public employee labor relations board.

**HB 586**, relative to rulemaking authority of the board of chiropractic examiners and unlawful practice of chiropractic.

**HB 688**, relative to the custody and escheat of abandoned and unclaimed property.

**SB 21**, relative to domestic animals.

**SB 215**, transferring certain responsibilities for shellfish harvesting and regulation.

**SB 16**, relative to revocation of wills by divorce.

**SB 26**, establishing a committee to study trustee process.

**SB 111**, relative to requirements for acknowledgments and jurats by justices of the peace.

**HB 741**, relative to the ratio of apprentices to journeymen in trade or industry apprenticeship programs.

**HB 742**, defining "domestic employee" for purposes of workers' compensation.

**SB 42-L**, establishing a committee to study safety improvements at the U.S. Route 1 traffic circle in the city of Portsmouth.

**SB 155**, relative to the naming of certain bridges in the city of Concord.

**HB 640-FN**, relative to grievance procedures of managed care organizations.

**HB 503-FN-L**, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

**HB 633-FN-L**, establishing parental choice scholarships.

**HB 690-FN-L**, relative to charter schools and open enrollment districts.

**HB 720-FN**, relative to the practice of midwifery.

**HB 576-FN-A**, establishing additional staff positions for statewide child custody and support impact seminars, and making an appropriation therefor.

**HB 726-FN**, relative to the credentialing of personnel in early care and education programs, establishing a fee for such credential, and making an appropriation therefor.

**HB 545-FN**, establishing a committee to study ambulatory surgical facilities.

**HB 471**, exempting certain family owned and operated businesses from certain requirements in the workers' compensation act relative to safety programs.

**HB 606-FN**, relative to managed care programs under workers' compensation and relative to certain members of the compensation appeals board.

**HB 464**, relative to electric rate reduction financing.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 6:20 p.m.

**RECESS**

**(Rep. Belvin in the Chair)**

**RESOLUTION**

Rep. Thulander offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Joint Resolution numbered 10, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HJR****First, second reading and referral**

**HJR 10**, requiring that the United States Marine Corps flag be flown over the state house very November 10 to honor the birth of the Corps. (Thomas, Belk 3; Fraser, Dist 4: State-Federal Relations and Veterans Affairs)

**SENATE MESSAGE****CONCURRENCE**

**HB 60**, relative to meetings of the ballot law commission.

**HB 261-L**, relative to the official ballot option.

**HB 535**, establishing a committee to study the department of resources and economic development.

**HJR 3**, urging ISO-New England to adopt policies furthering the state's interest in electric utility restructuring.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled the following House Bills 79, 292, 340, 426, 442, 513, 583 and 651 and Senate Bills 38, 56, 109, 138 and 160.

Rep. Lozeau, Sen. D'Allesandro for the Committee

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 19

Tuesday, May 25, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Bradley J. Bergfalk from the Covenant Church in Concord.

Holy and irrepressible God, in our cleverness we use words that both hurt and heal others. Allow the words that we use today to become as a healing balm for those who have felt the sting of our speech in the past. Amen.

Reps. L'Heureux and Picconi led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Courchesne, Ford, Gibbons, Golden, McColgan, Nordgren, Sabella and Searles, the day, illness. Reps. Arthur, Beaupre, Boriso, Case, David Flanders, Grant, Ham, Claudette Jean, Mary Lou Nowe, Ronald Nowe, Noyes, Rubin and Woodward, the day, important business.

Reps. Flint, LaPorte and McIntyre, the day, illness in the family.

### INTRODUCTION OF GUESTS

Justin Gilman, son of Rep. Gilman. Velda Ruffner, wife of Rep. Ruffner. Barbara, Mary, Shannon and Michael Thulander, wife, daughter-in-law, granddaughter and grandson of Rep. Thulander. The 4<sup>th</sup> grade class from Thornton's Ferry Elementary School, guests of the Merrimack delegation. Louise Bauer, guest of Rep. Scanlan. Richard DiRoma, guest of Rep. Solow. Evelyn Withee, Nancy Tayebi and Clay Matthews, mother and guests of Rep. Withee. Inez Maria Haettenschwiller, Tony Sroka, Leonie Haettenschwiller, Patricia Eastin and Mark Wyler, daughter, son-in-law, aunt, niece and guest of Rep. Haettenschwiller. Charlene Kane, daughter of Rep. Cecelia Kane. Melissa Kelley, daughter of Rep. Kelley.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 281-A**, making a capital appropriation for the expansion of veterans' home facilities, removed by Rep. Leber.

Consent Calendar adopted.

**SB 24**, extending the application of certain provisions of the child protection act to all children in out-of-home placements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Constance A. Jones for Children and Family Law: This bill, with the amendment, clarifies the law regarding the return of a court-placed child in placement who is subject to the child protection statute. The amendment makes it clear that the existing standard applies to children in relative homes and group homes as well as foster care. There is no budgetary impact. Vote 14-0.

#### Amendment (1251h)

Amend the bill by replacing section 1 with the following:

1 Standard for Return of a Child in Placement. Amend the introductory paragraph of RSA 169-C:23 to read as follows:

169-C:23. [~~Before a child in foster care is returned to the custody of its parents;~~] *In the absence of a guardianship of the person of the minor, governed by the terms of RSA 463, before a child in out-of-home placement is returned to the custody of his or her parents, the parent or parents shall demonstrate to the court that:*



**SB 112**, relative to the guardianship of minors. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. David A. Bickford for Children and Family Law: This bill clarifies "guardianship of a minor" within the definition of "custody proceeding" and places the jurisdiction of the court under the Uniform Child Custody Jurisdiction Act. Passage of this bill would cause no fiscal impact. Vote 14-0.

#### **Amendment (1250h)**

Amend RSA 458-A:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Custody proceeding" includes proceedings in which a custody determination is at issue or is one of several issues, including any action or proceeding brought to annul a marriage or to declare the nullity of a void marriage, or for a separation, or for a divorce, *or relative to the guardianship of a minor*, but not including proceedings for adoption, child protective proceedings or proceedings for permanent termination of parental custody, or proceedings involving the guardianship and custody of *children found to be* neglected or dependent [~~children~~] *pursuant to RSA 169-B, 169-C, or 169-D.*

**HB 375**, relative to substitutions for disqualified candidates and relative to nominations by nomination papers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Clegg, Jr. for Election Law: This bill allows a 5-day window to replace a candidate who is disqualified from having their name printed on the ballot for a primary election because of age, domicile, incapacitating disability or death. The respective party shall have 5 days to replace the candidate by submitting a new name to the secretary of state. Vote 18-0.

#### **Amendment (1072h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to substitutions for disqualified and deceased candidates.

Amend the bill by replacing all after the enacting clause with the following:

1 Elections; Nominations; Conduct of Primary; Disqualification of Candidate; Substitution Deadline Added. Amend RSA 655:38 to read as follows:

655:38 Disqualification of Candidate. If a candidate to be voted for at the general election shall make oath between the date of [~~his~~] *the candidate's* nomination and the day of the election that he *or she* does not qualify for the public office which he *or she* seeks because of age, domicile, or incapacitating physical disability acquired subsequent to the primary, the secretary of state may remove said person's name from the ballot. A new candidate may be substituted by the appropriate party committee by [~~notifying~~] *submitting the name of the new candidate to* the secretary of state *within 5 days of the notice of disqualification*. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

2 Elections; Nominations; Conduct of Primary; Death of Candidate; Substitution Deadline Added. Amend RSA 655:39 to read as follows:

655:39 Death of Candidate. If any candidate to be voted for at the general election shall die between the date of nomination and the day of election, a new candidate may be substituted by the appropriate party committee by [~~notifying~~] *submitting the name of the new candidate to* the secretary of state *within 5 days of the notice of death*. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

3 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill requires that a party committee notify the secretary of state of a substitute candidate for a disqualified or deceased candidate within 5 days of notification of the disqualification or death.

**HB 445**, relative to straight ticket voting procedures. **RE-REFER TO COMMITTEE**

Rep. Raymond Buckley for Election Law: The committee requests that HB 445 be re-referred so that we may use the bill as a vehicle to study several ballot-related ideas that are of interest to the committee. As we have worked on our bills this year, a number of new ideas have been mentioned that the committee would like to study for potential legislation next session. Vote 17-1.

**HB 458**, relative to voter qualifications. **INEXPEDIENT TO LEGISLATE**

Rep. Robert R. Rodrigue for Election Law: The bill would have made changes in voter qualifications to accommodate homeless persons and others. The committee found both good and bad in the bill. After extensive amending in sub-committee, there are still some concerns of the constitutionality of this bill. Out of respect to the current workload of the legislature, the sponsor has asked that the bill be killed, so that the issue may be given proper attention at some later time. Vote 17-1.

**HB 506-FN-L**, relative to voter registration. **INEXPEDIENT TO LEGISLATE**

Rep. Francis W. Davis for Election Law: This bill would have required that voter registration forms be available in the office of the mayor or selectmen, the post office, and the library in each city and town in addition to the office of the clerk. The committee felt that these additional registration places were not necessary now that we have same day voter registration on election day. This bill would also have required the verification of the voter checklists every two years. The current purging of the voter checklist is on a ten-year cycle. To reduce this cycle to a two-year period would be very costly. The election law committee unanimously opposed this legislation. Vote 17-0.

**HB 395-FN-A**, establishing a pilot program of matching grants to preserve historic agricultural structures in New Hampshire and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret A. Lynch for Finance: The amendment replaces the original bill. As presented, the original bill established a pilot program of matching grants to preserve historical agricultural structures at a cost of \$100,000 to the general fund for the biennium. It was the consensus of the committee that we could support the policy intent; however, we could not justify a \$100,000 grant program as a priority at this time for state financial support.

The amendment removes the state obligation for financial support and establishes a non-lapsing fund in the office of the state treasurer to be known as The Barn Preservation Fund. The division of historical resources is authorized to accept public and private donations of any kind to be awarded competitively to eligible applicants, who must match the award with equal or greater value. The amendment further establishes an advisory committee and eligibility criteria as well as the requirement to record such grant awards with the appropriate registry of deeds.

The Committee on Environment and Agriculture reviewed the changes to the bill and found them acceptable. There is therefore no fiscal impact on general funds. Vote 25-1.

**Amendment (1166h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a program of matching grants to preserve historic agricultural structures in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Historic Agricultural Structure Matching Grants Program. Amend RSA 227-C by inserting after section 26 the following new subdivision:

Historic Agricultural Structure Matching Grants Program

227-C:27 Purpose. Historic barns and agricultural structures symbolize the distinctive New Hampshire values of heritage, hard work, productivity and stewardship. They are witnesses to the role of agriculture in our state's image and its economy, and they serve as scenic landmarks for residents and visitors alike. They are among our most highly valued heritage resources, but many can no longer generate sufficient income to prevent their loss by decay or demolition. In order to assist the owners who are making an effort to preserve these irreplaceable assets, it is hereby declared to be public policy and in the public interest of this state to establish a matching grants program consisting of funds from private and public sector grants, gifts, and donations for preserving historic agricultural structures in New Hampshire.

227-C:28 Matching Grants Program Established; Barn Preservation Fund.

I. A program of matching grants to preserve historic barns and agricultural structures in New Hampshire is hereby established.

II. There is established a nonlapsing fund in the office of the state treasurer to be known as the barn preservation fund. The division of historical resources, department of cultural resources, is authorized to accept public sector and private sector grants, gifts, or donations of any kind to be awarded competitively to eligible applicants. All such moneys shall be deposited in the fund.

Moneys in the fund shall be used solely for grant awards and shall be matched with an equal or greater value of cash, labor, or materials provided by the applicant from private, local, state, or federal sources.

**227-C:29 Advisory Committee.**

I. For the purpose of soliciting applications, recommending grant awards, and considering any other matter necessary to the administration of this act, an advisory committee to the division of historical resources shall be established, consisting of:

- (a) The commissioner of cultural resources, or designee.
- (b) The commissioner of agriculture, markets, and food, or designee.
- (c) The commissioner of resources and economic development, or designee.
- (d) The chairperson of the state conservation committee, or designee.
- (e) The director of the division of historical resources, or designee, who shall act as the committee chair.
- (f) The executive director of the New Hampshire Farm Service Agency, or designee.
- (g) The director of the New Hampshire Farm Bureau Federation, or designee.
- (h) The director of the university of New Hampshire Cooperative Extension, or designee.
- (i) The master of the New Hampshire state grange, or designee.
- (j) A member of the state historical resources council.
- (k) A staff member of the division of historical resources selected by the director.
- (l) Two individuals actively engaged in agriculture, selected by the committee.

II. On or before November 1 of the second year of each biennium, the committee shall make a report regarding the program to the speaker of the house of representatives, the senate president, and the governor.

**227-C:30 Eligibility.** In order to qualify for grant assistance, agricultural buildings and structures shall be listed in the National Register of Historic Places, or shall be formally determined to be eligible for the National Register of Historic Places, or shall be listed or formally determined to be eligible for listing in the state register of historic places, in accordance with established procedures of the division of historical resources, prior to receiving any grant funds. Priority will be given to projects that:

- (a) Preserve historic building features.
- (b) Preserve important examples of historic agricultural building types.
- (c) Promote productive long-term use of the property.
- (d) Preserve important local landmarks.
- (e) Are located on designated scenic and cultural byways.
- (f) Would accept a preservation restriction, as defined in RSA 477:45.

**227-C:31 Recapture.** If a recipient or subsequent owner takes any action within 10 years of the grant award with respect to the assisted building or structure, such as dismantlement, removal, or substantial alteration, which causes it to no longer be eligible for listing on the National Register of Historic Places, within one year from the date of loss of eligibility, the preservation grant shall be repaid in full to the barn preservation fund.

**227-C:32 Receipt of Grant Recorded in Registry of Deeds.** Receipt of a grant award under this program and conditions of such award shall be recorded in the registry of deeds for the county in which the historic barn or agricultural structure is located.

**2 New Subparagraph; Barn Preservation Fund Created.** Amend RSA 6:12, I by inserting after subparagraph (www) the following new subparagraph:

(xxx) Moneys collected pursuant to RSA 227-C:28, which shall be deposited in the barn preservation fund.

**3 Effective Date.** This act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill establishes a program of matching grants to preserve historic agricultural structures. Grant moneys shall be provided by private and public sector gifts, grants, and donations, and shall be deposited in a newly created special fund. Recipients of grants must provide an equal or greater value of cash, labor, or materials from private, local, state, or federal sources.

**HB 685-FN-A**, relative to the New Hampshire land and community heritage commission, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Susan W. Almy for Finance: The legislature in 1998 created the Land and Community Heritage Commission to develop plans for a land and historic building preservation program. The Fi-

nance Committee amended the bill as received from the policy committee by removing language that could have committed the legislature to appropriating \$12 million to the new program to be proposed by the commission later this year, and by continuing the 1998 policy of voluntary funding of commission costs. Vote 23-3.

### **Amendment (1239h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the duties of the New Hampshire land and community heritage commission.

Amend the bill by replacing all after the enacting clause with the following:

#### **I Statement of Purpose.**

I. The general court recognizes and supports the principal conclusion of the interim report of the New Hampshire land and community heritage commission, established pursuant to 1998, 161 (SB 493), that in order to maintain New Hampshire's quality of life and economic vitality for its citizens, growth and development should be balanced with protection of New Hampshire's most important natural, cultural and historic resources. Permanent protection of any of these resources, through easements, acquisition or rehabilitation of such lands, culturally or historically significant buildings and other physical assets, or interests in these assets, should be accompanied by long-term stewardship of these resources.

II. The general court finds that it is an appropriate function of state government to enact such permanent policy measures as may be beneficial, to protect and preserve New Hampshire's natural, cultural and historic resources for this and future generations, in partnership with the federal government, municipalities, other political subdivisions, and the private sector.

III. The general court concludes that the enactment of such a program or programs, and such other policy measures as may be beneficial toward these ends, should be considered at the earliest possible date.

IV. Therefore, the general court accepts with gratitude the interim findings of the New Hampshire land and community heritage commission, and directs the commission to complete its work on or before November 30, 1999, according to the duties set forth herein, so that the general court may have the necessary information and recommendations upon which to base its consideration of a new program or programs to protect and preserve New Hampshire's natural, cultural, and historic resources for this and future generations.

2 New Paragraphs; Duties of Commission. Amend 1998, 161:4 by inserting after paragraph III the following new paragraphs:

IV. Work on completion of the original charge to the commission, including but not limited to refinement of the recommendations made in the commission's interim report relative to the scope, design and administration, including development of a plan for public dissemination of information, for a new public-private program to protect New Hampshire's most important natural, cultural and historic resources.

V. Evaluate and recommend specific public and private funding mechanisms to implement such a program.

VI. Examine the opportunity for partnerships among state and federal agencies, municipalities, not-for-profit organizations and others to protect New Hampshire's most important natural, cultural and historic resources.

VII. Evaluate possible economic and community benefits as well as local property tax impacts of public acquisition and protection of resources.

VIII. Develop an outreach and education program to communities, organizations and individuals to promote awareness of the importance of protecting natural, cultural and historic resources and creating effective stewardship programs for such resources.

IX. Cooperate and communicate with relevant committees of the house and senate on matters related to the purposes of this act.

3 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill clarifies the duties of the New Hampshire land and community heritage commission.

**SB 25**, expanding the waiver of administration under the law regarding decedents' estates. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: This is a consumer-oriented bill that reduces the cost and time in the probating of estates when the sole heir of the estate is a spouse, or if no spouse an only child. In such instances the law allows the surviving spouse or the child to complete the probate process through the filing of an affidavit of administration rather than proceeding through the full probate process. Vote 15-0.

### Amendment (1045h)

Amend the bill by replacing section I with the following:

I Decedents' Estates; Waiver of Full Administration. Amend RSA 554:1-a to read as follows:  
554:1-a Waiver of **Full** Administration.

I. As used in this section, "fiduciary" shall mean any executor or administrator, including voluntary administrator, special administrator, administrator with will annexed (hereafter administrator w.w.a.), and administrator de bonis non.

II. Notwithstanding any provision of law, whenever a deceased dies testate and the surviving spouse or, if no spouse, an only child is named in the will as the sole beneficiary of the deceased's estate and ~~[has also been]~~ is appointed to serve as ~~[executor or administrator with will annexed; hereafter administrator w.w.a.]~~ **fiduciary; or whenever a deceased dies intestate and the surviving spouse or, if no spouse, an only child is the sole heir of the deceased's estate and is appointed to serve as fiduciary**, there shall be no requirement for an inventory of the estate, no requirement for a bond, and no requirement for an accounting for assets. ~~[Any interested person may petition for a full administration of the estate within 6 months after the original grant of administration; and such petition may be granted by the probate court for good cause shown.]~~ Administration of the ~~[will]~~ **estate** shall be completed upon the **fiduciary's** filing, **and the probate court's approval** of an affidavit of administration ~~[with the probate court]~~. Such filing shall occur not less than 6 months nor more than one year after the date of appointment of the ~~[executor or administrator w.w.a.]~~ **fiduciary**. The affidavit of administration shall state that to the best of the knowledge and belief of the ~~[executor or administrator w.w.a.]~~ **fiduciary** there are no outstanding debts or obligations attributable to the deceased's estate and shall list all real estate owned by the decedent at the time of death, including the location, book and page. If the ~~[executor or administrator w.w.a.]~~ **fiduciary** fails to file the affidavit of administration within the time prescribed above, the ~~[executor or administrator w.w.a.]~~ **fiduciary** is in default. The register of probate shall give notice of the default to the ~~[executor or administrator w.w.a.]~~ **fiduciary** by first class mail within 10 days after the default. The register of probate shall issue a citation notice in accordance with RSA 548:5-a. ~~[If the executor or administrator w.w.a. is unable to complete the administration of the estate, administration may be completed pursuant to RSA 553:7.]~~

III. Any interested person may petition for a full administration of the estate at any time from the original grant of administration to the filing of the affidavit of administration, and such petition may be granted by the probate court for good cause shown.

IV. *Disclaimer, ademption of legacies, or declination to serve as executor may be effectively used to cause the estate to conform to the requirements of paragraph II.*

V. *A guardian may be appointed as fiduciary if the ward qualifies under the provisions of this section.*

VI. *If the fiduciary is unable to complete the administration of the estate, administration may be completed in accordance with this section by the successor fiduciary.*

VII. *If both this section and RSA 553:31 are applicable to an estate, this section shall take precedence.*

**SB 64**, relative to powers of appointment. **OUGHT TO PASS**

Rep. Janet G. Wall for Judiciary: This bill is a product of a study committee last summer. It is intended to clear up a problem in New Hampshire regarding powers granted to a person in a will or trust where the language in said will or trust is vague. In many wills or trusts written prior to 1986 a distinction is not made between general power of appointment, which is broad and taxable by IRS and, special power of appointment, which is limited power and not taxable by IRS. Currently, the Internal Revenue Service chooses to declare powers of appointment as taxable if gen-

eral or special is not clearly defined. If a state enacts laws clarifying general and special powers of appointment, the Internal Revenue Service will defer to the state law. This bill has no impact on New Hampshire legacy and succession laws. Vote 13-0.

**SB 101**, relative to landlord-tenant obligations. OUGHT TO PASS WITH AMENDMENT

Rep. Phyllis L. Woods for Judiciary: This bill would prohibit sheriff's departments from collecting a fee for service from landlords unless the landlord and tenant writ was made properly returnable in 7 days in accordance with current statute. The bill further defines "voluntary departed tenant" and reduces the time that a landlord is required to store the personal property of a tenant who has voluntarily vacated a dwelling from 28 days to 3 days. The bill prohibits a landlord from knowingly renting premises or maintaining premises for rent that violate minimum housing standards. It requires that, if part of a rental agreement requires the tenant to pay part of a utility service used in another dwelling unit, it shall be confirmed in writing to the tenant. The bill requires landlords and tenants to make repairs to correct certain violations and allows landlords to defend against certain alleged violations of minimum housing standards on the grounds that another caused the violations, and such landlord may counterclaim for cost of repair. The committee amendment also deleted a provision granting police officers, notaries, and justices of the peace the power to serve writs of summons – leaving that responsibility with the sheriff's departments. To do otherwise would have a negative effect on county budgets. Vote 16-0.

**Amendment (1267h)**

Amend RSA 540:13, III as inserted by section 3 of the bill by replacing it with the following:

III. The writ of summons and the notice provided in paragraph II shall be returnable 7 days from the date of service of the writ by the sheriff. *If the writ of summons and notice are not made returnable within 7 days of service, no fee for service shall be due and any prepaid fees shall be reimbursed within 7 days of the return date on the writ. When computing the 7 days, the day of service shall not be included. The last day of the 7 day return period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall extend until the end of the next day that is not a Saturday, Sunday, or legal holiday as specified in RSA 288.* The writ of summons shall provide an opportunity for the landlord, at the landlord's option, to make a claim for an award of unpaid rent. If the landlord elects to make a claim for unpaid rent, the court shall consider any defense, claim, or counterclaim by the tenant which offsets or reduces the amount owed to the plaintiff. If the court finds that the landlord is entitled to possession on the ground of nonpayment of rent, it shall also award the landlord a money judgment. If the court determines that the amount owed by the landlord to the tenant, as a result of set-off or counterclaim exceeds or equals the amount of rent and other lawful charges owed by the tenant to the landlord, judgment in the possessory action shall be granted in favor of the tenant. If the court finds that the tenant's counterclaim exceeds the amount of the nonpayment, a money judgment shall issue in favor of the tenant. Any decision rendered by the court related to a money judgment[;] shall be limited to a maximum of \$1,500, and shall not preclude either party from making a subsequent claim in a court of competent jurisdiction to recover any additional amounts not covered by the \$1,500 judgment. Amend RSA 540-A:3, VII as inserted by section 5 of the bill by replacing it with the following:

VII. A landlord shall maintain and exercise reasonable care in the storage of the personal property of a tenant who has vacated the premises, ~~[either voluntarily or by eviction]~~ *who is not a voluntarily departed tenant*, for a period of 28 days after the date upon which such tenant has vacated. During this period, the tenant shall be allowed to recover personal property without payment of rent or storage fees. After the 28-day limit has expired, ~~[such personal property may be disposed of by the landlord without notice to the tenant]~~ *any personal property of the tenant may be disposed of by the landlord without notice to the tenant. In the case of a voluntarily departed tenant, any personal property of the tenant may be disposed of by the landlord without notice to the tenant after a period of 3 days has expired. The 3-day period starts after the tenant shows an affirmative act or acts indicating that the tenant has permanently relocated.*

**AMENDED ANALYSIS**

This bill:

I. Extends payments on behalf of tenants to include payments by voucher from the state, a county, or any organization which disburses state or federal funds.

II. Provides that if a writ informing a tenant to quit the premises served by a sheriff is not made returnable within 7 days, no fee for service shall be due and any prepaid fees shall be reimbursed.

III. Defines "voluntary departed tenant."

IV. Allows a landlord to dispose of personal property of a voluntarily departed tenant without notice to such tenant after a 3-day period has elapsed from the time such tenant displays an affirmative act indicating permanent relocation.

V. Prohibits a landlord from knowingly renting premises or maintaining premises for rent that violate minimum housing standards.

VI. Requires that, if part of a rental agreement requires the tenant to pay part of a utility service used in another dwelling unit not the tenant's own, such part of the rental agreement be confirmed to the tenant in writing.

VII. Requires landlords and tenants to make repairs to correct certain violations.

VIII. Allows a landlord to defend against certain alleged violations of minimum housing standards on the grounds that another caused the violations, and such landlord may counterclaim for cost of repair.

**SB 165**, relative to the Uniform Trustees' Powers Act. OUGHT TO PASS

Rep. Phyllis L. Woods for Judiciary: This bill allows a trustee to certify their power and to convey personal property held in trust by the use of a certified and guaranteed document which is a written certificate signed by the trustee and sworn to before a notary public. This bill is really a consumer protection bill in that it protects persons who purchase property from a trustee from having that property confiscated due to the fact that the trustee did not have proper authority to dispose of the property of the estate. Vote 15-0.

**HB 521-L**, exempting initial bond issues from the 10 percent limitation on exceeding appropriations recommended by the budget committee. RE-REFER TO COMMITTEE

Rep. David W. Hess for Municipal and County Government: Current law sometimes empowers local budget committees to prevent local legislative bodies from even considering some bond issues by simply voting to "not recommend" the bond issue. The Committee agrees with the sponsors of this bill that giving municipal budget committees such a "veto" over bond issues does not appear to be the intent of the Municipal Budget Act. However, the Committee believed that completely exempting such bond issues from the ten per cent limitations on exceeding appropriations recommended by the budget committee also violated the intent of the Municipal Budget Act. After a number of attempts to address this issue within the spirit of the Act were unsuccessful, the Committee decided it should be studied further and voted unanimously to re-refer. Vote 15-0.

**HB 733**, relative to a state master plan for the deployment of personal wireless service facilities. RE-REFER TO COMMITTEE

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill deals with the siting of wireless telecommunication towers. The committee decided to re-refer this bill as it is very complex and in need of considerable scrutiny. The committee will examine a master plan for siting of towers, mapping of locations, model siting ordinances, local planning and zoning consensus, and a policy with regard to use of state owned mountain tops for location of telecommunication towers. Vote 17-0.

**SB 124**, establishing a committee to study the integration of technology at the state and municipal level. OUGHT TO PASS WITH AMENDMENT

Rep. Harold V. Lynde for Science, Technology and Energy: The committee heard testimony from municipal and county employees on the need for better coordination and integration of technology implementation at the state level that impacts on technology requirements at municipal and county levels of government as well as the need for efficient transfer and access to data. Additionally, testimony indicated the importance of improving the timeliness of the Division of Information Technology Management (DITM) involvement in technology decisions at the state level. The purpose of the study committee is to investigate specific measures, which would promote the integration of technology at the state, county, and municipal levels of government for the mutual benefit of all. The bill, as presented to the committee, only referred to the state and municipalities. The amendment adds counties because there is a desire and need to obtain successful technology integration at all levels of New Hampshire government. Vote 16-0.

**Amendment (1217h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the integration of technology at the state, county, and municipal levels.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study integration of technology at the state, county, and municipal levels.

Amend the bill by replacing paragraph I of section 2 with the following:

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Five members of the house of representatives, at least one of whom shall be a member of the municipal and county government committee, and at least one of whom shall be a member of the science, technology and energy committee, appointed by the speaker of the house.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall investigate specific measures which would promote the integration of technology at the state, county, and municipal levels for the mutual benefit of all entities and the citizens of the state of New Hampshire. In conducting its research, the committee shall seek input from the department of administrative services, division of information technology management, in terms of specific technology applications that the state of New Hampshire is deploying or desires to deploy at the county and/or local level and the New Hampshire Association of Counties and the New Hampshire Municipal Association for their perspective on municipal technology needs. In addition, the committee shall seek the input from the oversight committee on telecommunications, which is considering the feasibility and cost-effectiveness of installing certain high-speed telecommunications lines.

**AMENDED ANALYSIS**

This bill establishes a committee to study the integration of technology at the state, county, and municipal levels.

**HB 505-FN**, establishing a special license plate for veterans. **RE-REFER TO COMMITTEE**

Rep. Robert J. Letourneau for Transportation: This bill was originally reported Inexpedient to Legislate by the committee. The sponsor asked if we would accept to recommit the bill on the day of the initial vote in the House. The committee accepted the bill back so that the sponsor could present some new ideas to the committee. Because of the time factors involved with house bills, we ask that this bill be re-referred so that the new material can be fully examined by the committee. Vote 14-0.

**SPECIAL ORDER**

**HB 657-FN**, relative to the health services planning and review board. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT**

Rep. Peter Batula for the Majority of Health, Human Services and Elderly Affairs: As explained in HB 419, the "Certificate of Need Board" was initially mandated into law as a watchguard on escalating medical costs. The board is no longer a federal mandate and many states have repealed the law for various reasons. Those include failure to slow down escalating medical costs as originally intended, and whether intentional or unintentional, it all but puts a moratorium on competition. The board has, at least in perception, created a wide division between physicians and hospitals. For example: Hospitals' cash cows are the operating rooms and in many instances, they build more surgical centers to reap the most often overpriced surgeries profits. If the cost of these additional surgical centers exceeds \$1.5 million, they need C.O.N. approval and they have usually been approved based on past history. The problem arises when perhaps a group of physicians wish to build and open a private freestanding multi-use surgical center, which would obviously compete for the non-emergency type surgeries. If their building costs are expected to exceed \$1,000,000, they need C.O.N. approval. That is where the problem starts, as the C.O.N. board controls not only the destiny of the approval process, but also has the power to shut down competition for the hospitals, even though a Blue Cross/Blue Shield study shows that ambulatory surgical centers reduce surgery costs by 47%, while providing quality, affordable health care for all citizens. 2600 ambula-



tory surgical centers have opened in the country and not one hospital has closed because of them. The federal government encourages the growth of these centers, due to cost savings. HB 657 restructures the C.O.N. board from seven to nine members, adjusts the capital expenditure threshold of \$1,250,000 and levels the playing field between hospitals and surgical centers. There is and was an attempt to lower the threshold from the \$1,250,000 and if adopted, this would create a moratorium on ambulatory surgical centers, meaning higher surgical costs due to a lack of competition. A vote to lower the threshold (producing a moratorium on competition) is indeed a journey in the wrong direction on the subject of controlling escalating medical costs. Vote 12-8.

Rep. Marion L. Copenhaver for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee believes that ambulatory surgical centers should be subject to review by the Health Services, Planning and Review Committee (known as the Certificate of Need Board) to determine if there is a public need or to avoid costly duplicative services. The bill as passed, has a threshold of \$1,250,000 which in effect, exempts these ambulatory surgical centers from the public review process. The minority feels the threshold should be \$750,000, in order for the state to maintain a healthy balance of these necessary surgical facilities.

### Majority Amendment (0896h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the health services planning and review board and the certificate of need process.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Findings; Public Interest; Review and Assessment of New Health Services. Amend RSA 151-C:1, III to read as follows:

III. The state has an interest in promoting and stimulating *competition and* collaboration among providers in the health care marketplace as a means of managing the increases in health care costs.

2 Members of the Board. Amend RSA 151-C:3, I(a)(2)(B) and (C) to read as follows:

(B) [~~Three~~] **Four** consumers, each from a different region of the state. For the purposes of this subparagraph "consumer" means an individual whose occupation is not in the delivery of health care services, who has no fiduciary obligation or financial interest in any health care facility or health care insurer licensed or regulated by this state, and who is not related in their immediate family to anyone who is involved in the delivery of health care services or health insurance.

(C) [~~Two~~] **Three** providers whose occupation is in the delivery of health care services regulated by the board. One of these providers shall be nominated by the New Hampshire Hospital Association. The [~~other~~] **second** provider shall be nominated by the New Hampshire Health Care Association. ***The third provider shall be nominated by the New Hampshire Ambulatory Surgery Association.***

3 Terms. Amend RSA 151-C:3, I(b) to read as follows:

(b) The commissioner of the department of health and human services or designee shall serve as the only permanent member of the board. All other members of the board shall serve only for one 3-year term, provided that of the initial members, the representative of health care insurers and one consumer shall serve for one year, one consumer and one provider shall serve for 2 years and one consumer and one provider shall serve for 3 years. ***Members of the board are not eligible for reappointment upon expiration of their terms.***

4 Staff; Meetings. Amend RSA 151-C:3, VII to read as follows:

VII. (a) The commissioner of the department of health and human services shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director who shall oversee the staff and act as liaison between the commissioner and the board. ***The staff director shall also testify at public hearings to defend staff analyses and recommendations to the board.*** The commissioner shall also provide space for the board and staff and other assistance and materials as necessary; ***provided, that all meetings of the board shall take place on government property owned or leased by the state of New Hampshire.***

(b) The staff director shall account to the commissioner of the department of health and human services for the administration of funds allocated under this chapter, for the conduct of the staff, and shall timely and appropriately execute his ***or her*** duties.

5 Expenditure Decreased. Amend RSA 151-C:5, II(a) to read as follows:

(a) The construction, development, expansion, or alteration of any acute care facility requiring a capital expenditure of more than [~~\$1,500,000~~] **\$1,250,000**. [~~The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.~~] ***Beginning in 2000, and using that year as a base, the capital expenditure threshold shall be adjusted annually by the rate of change in the Consumer Price Index for medical care in New Hampshire as reported by the Bureau of Labor Statistics of the United States Department of Labor.***

6 Expenditure Increased. Amend RSA 151-C:5, II(f) to read as follows:

(f) The construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than [~~\$1,000,000~~] **\$1,250,000**. [~~The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.~~] ***Beginning in 2000, and using that year as a base, the capital expenditure threshold shall be adjusted annually by the rate of change in the Consumer Price Index for medical care in New Hampshire as reported by the Bureau of Labor Statistics of the United States Department of Labor.***

7 Definition. Amend RSA 151-C:2, 1 to read as follows:

I. "Ambulatory surgical facility" means a facility [~~which is not physically attached to a health care facility and~~] which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

8 Definition; Major New Facilities. Amend RSA 151-C:2, XXV to read as follows:

XXV. "Major new facilities" means the construction, development, or other establishment of a new health care facility, the total cost of which is in excess of [~~\$1,000,000~~] **\$1,250,000**.

9 Duties of Staff. Amend RSA 151-C:3, VII to read as follows:

VII.(a) The commissioner of the department of health and human services shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director who shall oversee the staff and act as liaison between the commissioner and the board. The commissioner shall also provide space for the board and staff and other assistance and materials as necessary. ***Notwithstanding this paragraph or any other provision of law to the contrary, the staff members shall report to the board.***

(b) The staff director shall account to the commissioner of the department of health and human services for the administration of funds allocated under this chapter [~~for the conduct of the staff;~~] and shall timely and appropriately execute [~~his~~] ***the director's*** duties.

10 Effective Date. This act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill requires the health services planning and review board to meet on government property owned by the state of New Hampshire. For the purposes of certificate of need, the bill increases the expenditure for certain proposed new facilities from \$1,000,000 to \$1,250,000 and decreases the expenditure for acute care facilities from \$1,500,000 to \$1,250,000.

The bill also requires the staff appointed to serve the board to report to the board.

Adopted.

Majority report adopted and ordered to third reading.

### REGULAR CALENDAR

**HB 337**, requiring that the order of candidate names on the ballot be determined by a random drawing. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Sandra J. Reeves for Majority of Election Law: Under current law, candidates for each office on the general election ballot are grouped first according to party and then listed alphabetically within each grouping. Candidates from the party that received the largest number of votes at the last general election are listed first. This law has been challenged and upheld in federal district court. On February 24, 1997, the court determined that the plaintiffs in the case failed to demonstrate that there is a positional advantage on the ballot of a partisan general election and that there are "substantial justifications" for the law that designates the order of candidate's names. HB 337 requires that the order of candidates names on the ballot be determined by a random public drawing conducted by the Secretary of State. After a lively discussion, and using the names of the Election Law Committee (whose last names begin with letters from A to Y) as a random sample, it became apparent that ballot placement does not necessarily determine outcome. Voters are sophisticated and vote according to the qualifications of each candidate. The majority feels that the current system is working well and there is no need to change it at this time. Vote 12-5.

Rep. Raymond Buckley for the Minority of Election Law: The testimony before the committee was unanimously in favor of passage of HB 337. The issue is fairness. Candidates should not be given an unfair advantage by virtue of their last name or political party. The committee heard testimony that the placement of the candidate's name on the ballot gives a six to ten percent advantage or disadvantage based on placement. The minority supports the concept of fairness in elections.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 185 NAYS 142

### YEAS 185

#### BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Millham, Alida	Pilliod, James	Rice, Thomas
Thomas, John	Turner, Robert	Wendelboe, Francine	

#### CARROLL

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Torresen, Gary	

#### CHESHIRE

Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

#### COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr		

#### GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Harmon, Hobart	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Phinney, William	Picconi, Al	Scanlan, David	Weber, Phil

#### HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Cote, David	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Jean, Loren	Kurk, Neal
L'Heureux, Robert	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McGough, Tim
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Mosher, William	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		

#### MERRIMACK

Anderson, Eric	Brewster, Richard	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray
Larrabee, David, Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Whalley, Michael			

**ROCKINGHAM**

Abbott, Dennis  
 Bishop, Franklin  
 Cox, Russell  
 Dunham, Vivian  
 Francoeur, Sheila  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Lovejoy, Marian  
 O'Neil, Michael  
 Quandt, Marshall  
 Stone, Joseph  
 Weare, Everett  
 Zolla, William

Arndt, Janet  
 Bridle, Russell  
 Dalrymple, Janeen  
 Fesh, Robert  
 Gleason, John  
 Hutchinson, Karen  
 Kobel, Rudolph  
 McKinney, Betsy  
 Packard, Sherman  
 Rabideau, Marie  
 Stritch, C Donald  
 Welch, David

Beaulieu, Jon  
 Clark, Vivian  
 Dearborn, Bruce  
 Flanagan, Natalie  
 Griffin, Mary  
 Johnson, Robert  
 Langley, Jane  
 Moore, Benjamin  
 Priestley, Anne  
 Raynowska, Bernard  
 Tufts, J Arthur  
 Weyler, Kenneth

Belanger, Ronald  
 Cooney, Richard  
 Dolan, Richard  
 Flanders, John, Sr  
 Hamel, Albert  
 Katsakiores, George  
 Letourneau, Robert  
 Morse, Charles  
 Putnam, Ed, II  
 Ruffner, Walter  
 Varrell, Thomas  
 Whittier, John

**STRAFFORD**

Bickford, David  
 McKinley, Robert  
 Woods, Phyllis

Brown, Julie  
 Musler, George

Cossette, Larry  
 Spear, Barbara

Dunlap, Patricia  
 Torr, Franklin

**SULLIVAN**

Jones, Constance

Tuthill, John

**NAYS 142****BELKNAP**

Rosen, Ralph

Salatiello, Thomas

Wood, Jane

**CARROLL**

Sullivan, P Judith

**CHESHIRE**

Batchelder, Robert  
 Lerandeau, Alfred  
 McGuirk, Paul  
 Pratt, John  
 Russell, Ronald

Blaisdell, Michael  
 Lynch, Margaret  
 Meader, David  
 Richardson, Barbara  
 Zerba, Roger

Burnham, Daniel  
 Lynott, Margaret  
 Mitchell, McKim  
 Riley, William

Doucette, Richard  
 Manning, Joseph  
 Pratt, Irene  
 Robertson, Timothy

**COOS**

Glines, Sara  
 Rodrigue, Robert

Hawkinson, Marie

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
 Solow, Martha

Copenhaver, Marion

Densmore, Jessica

Guest, Robert

**HILLSBOROUGH**

Ahern, Richard  
 Clemons, Jane  
 Daigle, Robert  
 Garrish, Linda  
 Haettenschwiller, Alphonse  
 Johnson, Lionel  
 Lasky, Bette  
 Mendenhall, Leslie  
 Perkins, Paul  
 Vaillancourt, Steve

Bergeron, Lucien  
 Cote, Peter  
 Drabinowicz, A  
 Ginsburg, Ruth  
 Haley, Robert  
 Keye, Harvey  
 Lynde, Harold  
 Moriarty, Mary  
 Reidy, Frank  
 White, John

Buckley, Raymond  
 Craig, James  
 Foster, Linda  
 Goley, Jeffrey  
 Hall, Betty  
 Konys, Christine  
 McCarthy, William  
 Murphy, Robert  
 Sarette, John  
 Williams, Carol

Burkush, James  
 Curran, James  
 Gagnon, Paul  
 Gorman, Mary  
 Herman, Richard  
 LaRose, Richard  
 Melcher, Harold  
 O'Connell, Timothy  
 Turgeon, Roland

## MERRIMACK

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

## ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha	Downing, Michael	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Langone, John	Mikowski, Walter
Noelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Vaughn, Charles	Weatherspoon, Jackie	

## STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Wall, Janet

## SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Leone, Richard	Phinizy, James	Robb-Theroux, Amy	Wiggins, Celestine

and the majority report was adopted.

**HB 411**, requiring ballot clerks to verify the identity of persons receiving ballots by requesting an identification card. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert E. Clegg, Jr. for the Majority of Election Law: In an attempt to make voting as easy as possible, we have made many changes including same day registration. We have, in past years, done whatever was necessary to increase voter participation. However, in doing so, we inadvertently made it easier to commit fraud. By passing this bill, we protect the voters' rights by simply asking for a photo ID to be presented at the polls. Vote 16-3.

Rep. Raymond Buckley for the Minority of Election Law: The minority believes that this bill will lead to future litigation because of discriminatory enforcement. Many in the majority admitted during the committee discussion that they would only request an ID on election day from those with whom they were unfamiliar. This practice will open the door for the possibility of our growing minority community to be arbitrarily discriminated against on voting day. The committee did not hear compelling testimony that this legislation is needed.

## Amendment (1268h)

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring voters to present identification.

Amend the bill by replacing all after the enacting clause with the following:

1 Requirements for Obtaining a Ballot Modified. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his *or her* name *and present his or her New Hampshire driver's license, identification card issued by the director of motor vehicles under the provisions of RSA 260:21, armed services identification card, or United States passport* to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, [he] *the ballot clerk* shall put a checkmark beside it and again repeat the name. *If the person does not have his or her driver's license, passport, or identification card, the person may sign the affidavit provided for in RSA 659:27.* The voter, unless challenged as provided for in RSA 659:27-33, *or unless failing to present proper identification and failing to sign an affidavit*, shall

then be allowed to enter the space enclosed by the guardrail. After [he] *the voter* enters the enclosed space, the ballot clerk shall give [him] *the voter* one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

2 Effective Date. This act shall take effect January 1, 2001.

### AMENDED ANALYSIS

This bill requires that voters present identification or sign an affidavit to obtain a ballot.  
Adopted.

On a division vote, 201 members having voted in the affirmative and 130 in the negative, the majority report was adopted.

Ordered to third reading.

### **HB 547-L**, changing the state primary election day to the first Saturday after Labor Day. **INEXPEDIENT TO LEGISLATE**

Rep. James R. Splaine for Election Law: This bill would change state primary election day to Saturday instead of Tuesday every two years. The committee heard of concerns of some religious communities and felt this was an unnecessary change that would have not resulted in greater voter turnout. The co-sponsors agreed that this should not pass as written. Vote 16-2.

Adopted.

### **HB 68**, adding the name of Martin Luther King, Jr. to Civil Rights Day. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sylvia A. Holley for the Majority of Executive Departments and Administration: This bill adds the name Martin Luther King, Jr. to Civil Rights Day which is a holiday celebrated on the third Monday in January. This action sends a message, loud and clear that New Hampshire honors Dr. King and the other heroes of the civil rights movement. His principles of non-violence serve as an example to us all in this era of increasing violence. Vote 11-7.

Rep. Benjamine E. Moore for the Minority of Executive Departments and Administration: In 1991, the legislature voted to establish Civil Rights Day. The intent of the legislation was clearly stated as follows: "Civil Rights Day Established. In recognition of the courage, determination, and personal sacrifice of the many people from a variety of cultural backgrounds who fought and died in the struggle to gain freedom and equality for all individuals, and to celebrate these freedoms in a manner consistent with every individuals' constitutional rights to free speech and liberty, this law seeks to honor these persons who have dedicated or will dedicate their lives to the issue of equality of all by establishing the third Monday in January as Civil Rights Day in New Hampshire. This recognized celebration of civil rights seeks to educate society, in an impartial manner, against prejudice." The minority strongly feels that the intent of the legislature should be sustained out of respect for those who worked diligently to establish Civil Rights Day in 1991.

Reps. Benjamin Moore, Donald White, Putnam, Rosen, Lefebvre, Eaton, and Loren Jean spoke against.

Reps. Norelli and Withee spoke in favor and yielded to questions.

Reps. Millham, Kelley, John Pratt, Leishman and Keye spoke in favor.

Rep. Mercer requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### **YEAS 212 NAYS 148**

#### **YEAS 212**

#### **BELKNAP**

Millham, Alida

Salatiello, Thomas

Wood, Jane

#### **CARROLL**

Bradley, Jeb

Torresen, Gary

#### **CHESHIRE**

Avery, Stephen

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

DePecol, Benjamin

Doucette, Richard

Hunt, John

Lerandeau, Alfred

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meador, David  
Richardson, Barbara  
Royce, H Charles

Mitchell, McKim  
Riley, William  
Russell, Ronald

Pratt, Irene  
Robertson, Timothy  
Zerba, Roger

Pratt, John  
Rose, William

### COOS

Glines, Sara  
Mears, Edgar

Hawkinson, Marie  
Rodrigue, Robert

Horton, Lynn

Landers, Dana

### GRAFTON

Akins, Ralph  
Densmore, Jessica  
Picconi, Al

Almy, Susan  
Guest, Robert  
Scanlan, David

Brothers, Richard  
Hinman, Harry  
Solow, Martha

Copenhaver, Marion  
Johnson, Gary

### HILLSBOROUGH

Ahern, Richard  
Bergeron, Lucien  
Clemons, Jane  
Daigle, Robert  
Desrosiers, William  
Dwyer, Paul, Sr  
Foster, Linda  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Leishman, Peter  
McCarthy, William  
Messier, Irene  
Perkins, Paul  
Sarette, John  
Vaillancourt, Steve

Alukonis, David  
Bergin, Peter  
Cote, David  
Dalianis, Griffin  
Dokmo, Cynthia  
Emerton, Lawrence  
Franks, Suzan  
Gorman, Mary  
Herman, Richard  
Konys, Christine  
Lozeau, Donnalee  
McDonald, James, Sr  
Moriarty, Mary  
Peterson, Andrew  
Sargent, Maxwell  
White, John

Baroody, Benjamin  
Buckley, Raymond  
Craig, James  
Dawe, Eileen  
Drabinowicz, A  
Fields, Dennis  
Gagnon, Paul  
Haettenschwiller, Alphonse  
Holley, Sylvia  
LaRose, Richard  
Lynde, Harold  
Melcher, Harold  
Murphy, Robert  
Reidy, Frank  
Simon, Anthony  
Williams, Carol

Belvin, William  
Burkush, James  
Curran, James  
Desmarais, Vivian  
Durham, Susan  
Flora, Kathleen  
Garrish, Linda  
Haley, Robert  
Johnson, Lionel  
Lasky, Bette  
Martin, Mary  
Mendenhall, Leslie  
O'Hearn, Jane  
Rowe, Robert  
Turgeon, Roland  
Withee, Dennis

### MERRIMACK

Asplund, Bronwyn  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Bouchard, Candace  
Davis, Francis  
Gile, Mary  
Leber, William  
Poulin, Dave  
St Cyr, Gerard  
Whalley, Michael

Chase, George  
Fortnam, Janet  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Crosby, Toni  
Fraser, Marilyn  
Hess, David  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
Christie, Andrew, Jr  
Dowling, Patricia  
Henderson, Warren  
Kelley, Jane  
Norelli, Terie  
Pitts, Jacqueline  
Shelton, Richard  
Weatherspoon, Jackie

Arndt, Janet  
Clark, Martha  
Downing, Michael  
Hutchinson, Rebecca  
Langley, Jane  
O'Keefe, Patricia  
Rabideau, Marie  
Shultis, Elizabeth  
Whittier, John

Blanchard, MaryAnn  
Cooney, Richard  
Francoeur, Sheila  
Kane, Cecelia  
Langone, John  
O'Neil, Michael  
Sapareto, Frank  
Splaine, James  
Zolla, William

Bridle, Russell  
DiFruscia, Anthony  
Gleason, John  
Katsakiores, Phyllis  
Lovejoy, Marian  
Pantelakos, Laura  
Schanda, Frank  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Estabrook, Iris  
Johnson, Nancy  
Lent, Donald

Brennan, William  
DeChane, Marlene  
Gilmore, Gary  
Kaen, Naida  
Lundborn, Raymond

Brown, George  
Domingo, Baldwin  
Grassie, Anne  
Keans, Sandra  
Musler, George

Brown, Julie  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Pelletier, Arthur

Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

Rollo, Michael  
Spear, Barbara  
Wall, Janet

Smith, Marjorie  
Taylor, Kathleen

Snyder, Clair  
Twardus, Joseph

### SULLIVAN

Allison, David  
Jones, Constance  
Tuthill, John

Burling, Peter  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
Phinizz, James  
Young, David

Donovan, Thomas, Jr  
Robb-Theroux, Amy

### NAYS 148

### BELKNAP

Bartlett, Gordon  
Johnson, James  
Rice, Thomas  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Lawton, Robert  
Thomas, John

Holbrook, Robert  
Pilliod, James  
Turner, Robert

### CARROLL

Babson, David, Jr  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

### CHESHIRE

Roberts, William

Smith, Edwin

### COOS

Davis, Perley  
Tholl, John, Jr

Guay, Lawrence

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Alger, John  
Hall, David  
Mirski, Paul

Cobb, John  
Harmon, Hobart  
Phinney, William

Eaton, Stephanie  
MacNeil, Allen  
Ward, Brien

Gilman, G Michael  
Marshall, Gene  
Weber, Phil

### HILLSBOROUGH

Andrews, Frederick  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Gagnon, Eugene  
Herman, Keith  
L'Heureux, Robert  
Martel, Andre  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Wall, Nancy

Arnold, Thomas, Jr  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Dyer, Merton  
Goley, Jeffrey  
Hunter, Bruce  
Lefebvre, Roland  
McCarty, Winston  
Milligan, Robert  
O'Connell, Timothy  
Reeves, Sandra  
White, Donald

Batula, Peter  
Carlson, Donald  
Cote, Peter  
Fenton, James  
Goulet, Maurice  
Jean, Loren  
Lessard, Rudy  
McGough, Tim  
Moran, Edward  
Ouellette, Dean  
Tate, Joan

Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Fletcher, Richard  
Hansen, Herbert  
Kurk, Neal  
MacGillivray, Jeffrey  
McRae, Karen  
Mosher, William  
Pappas, Marc  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis

Brewster, Richard  
Langer, Ray  
Marple, Richard  
Soltani, Tony

Feuerstein, Martin  
Larrabee, David, Sr  
Marshall, Kenneth  
Whittemore, James

Hoadley, Elizabeth  
Lavoie, Gerard  
Maxfield, Roy

### ROCKINGHAM

Beaulieu, Jon  
Corbin, C David

Belanger, Ronald  
Cox, Russell

Bishop, Franklin  
Dalrymple, Janeen

Clark, Vivian  
Dearborn, Bruce



Dolan, Richard  
 Flanders, John, Sr  
 Johnson, Robert  
 McKinney, Betsy  
 Packard, Sherman  
 Raynowska, Bernard  
 Stone, Joseph  
 Weare, Everett

Dunham, Vivian  
 Griffin, Mary  
 Katsakiores, George  
 Mikowski, Walter  
 Priestley, Anne  
 Reardon, Neil  
 Stritch, C Donald  
 Welch, David

Fesh, Robert  
 Hamel, Albert  
 Kobel, Rudolph  
 Moore, Benjamin  
 Putnam, Ed, II  
 Ruffner, Walter  
 Tufts, J Arthur  
 Weyler, Kenneth

Flanagan, Natalie  
 Hutchinson, Karen  
 Letourneau, Robert  
 Morse, Charles  
 Quandt, Marshall  
 Stickney, Nancy  
 Varrell, Thomas

### STRAFFORD

Bickford, David  
 Woods, Phyllis

Callaghan, Frank

McKinley, Robert

Torr, Franklin

### SULLIVAN

Kibbey, David

and the majority report was adopted.  
 Ordered to third reading.

### PROTESTS

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Weber requested that his protest be entered on the Journal.

How can we honor a person who worked with the KGB to help his communist funders subvert the principles of government for which this nation stood and replace it with a soviet form of government. Treason is always wrong regardless of who promotes it. To honor such a man with revisionist history is outrageous.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Boyce requested that his protest be entered on the Journal.

The State of New Hampshire does not and should not have holidays honoring individuals. This is inappropriate. There are simply too many fine individuals who deserve to be honored and we would have no non-holidays. It matters little who is to be honored by a holiday only that it is improper to honor individuals by naming holidays for them.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Loren Jean, and by signature Reps. Clegg and Soltani, requested that their protest be entered on the Journal.

All our heroes will now be relegated to the dustbins of history. We have done violence to the history and memory of all those that have preceded us in the unending struggles for human rights. The proper supplication has been made to the God of political correctness. All is embodied in one person. Political bigotry has won. Our shame is now complete.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Reps. Mock and Karen Hutchinson requested that their protest by signature be entered on the Journal.

### REMARKS

Rep. Rabideau moved that the remarks made by Rep. Withee on House Bill 68 be printed in the Journal.

Rep. Putnam requested a roll call; not sufficiently seconded.

Adopted.

Rep. Mirski moved that the floor debate on House Bill 68 be printed in the Journal.

Adopted.

Rep. Benjamin Moore: Thank you, Madam Speaker. As author of the Minority report in the calendar, I am in opposition to the motion "Ought to Pass", obviously. The "blurb", as printed, did not include two sentences that were a part of the blurb submitted. These two sentences followed the paragraph cited from Chapter 206 of the 1991 laws. The sentences are: The paragraph cited, as regard the Civil Right Movement, reflects the often-used current terms, "diversity" and "inclusiveness." Legislative intent, as explained by several sources is, "The intent of the legislature at the time the legislation was passed." I have heard several times on this floor the usage of the term "intent" or even "legislative intent" and I am not comfortable with the way these bills are presented. I feel they interfere with the intent of the legislature.

What brings this to mind is an incident in my own town, Seabrook. We had an appointment to be filled because the fire chief retired and the selectmen and the board of selectmen were going to fill the vacancy by appointment. However, the runner-up in the election, because this is an elective position, referred the manager and the selectmen to a paragraph in the town charter which would make him the fire chief because he was the runner-up. The matter was referred to town counsel and the town counsel ruling was the intent of the charter is as ordered. Therefore, the runner-up must be appointed fire chief. Town counsel must have researched to find a precedent upon which a ruling was based. Therefore, at this time, Madam Speaker, I would like to know if a motion to table would be in order?

Speaker Sytek: A motion to table would be in order if you are recognized for that purpose. You were recognized to speak against the bill.

Rep. Benjamin Moore: I would have liked to make a motion that we ask for a legal opinion so that we may put this matter before us in a proper manner as far as the process is concerned because I am not comfortable with this. In 1991, the intent was clearly stated and I don't think that we should interfere with the intent of the legislature of that time in the manner in which we are doing it. That being the case, if I can't make a motion at this moment in time I shall be done. God bless you and thank you very much.

Rep. Millham: Thank you, Madam Speaker and members of the House. I rise on behalf of the majority of the Executive Departments and Administration Committee in support of House Bill 68 and Senate Bill 80. This bill adds the name of Martin Luther King, Jr. to Civil Rights Day, a holiday that is celebrated on the third Monday in January. The vote of the Committee was 11-7. It was a bi-partisan vote. There was a large attendance at the hearing where the testimony was overwhelmingly in favor of adding Dr. King's name to the holiday. Supporters included the Governor, senators, representatives and many public members representing business, education, religious communities, parents and children. To name one, there was a ten-year-old 5<sup>th</sup> grader who testified and offered very articulate testimony, the kind that brings tears to your eyes. He was there and he waited probably three hours to speak. He was with his grandfather who did testify in opposition. Adding Dr. King's name to Civil Rights Day will mean we have four holidays named for individuals: Washington's Birthday, in this state, still on the books despite the fact that it has been called President's Day; Columbus Day, we have previously rejected a proposal to make it Explorer's Day; and Christmas. I can't help but add a personal note because I am one of those people who changed her mind. Though I am new to the House, I thought the compromise for Civil Rights Day was terrific at the time. Over the intervening years, I've come to better understand the words of freedom, equality and justice as they relate to people whose ancestors were slaves in this country for two centuries and for people who were considered second-class citizens for another century. This is an important act. If I were to express the essence of the supporting testimony, it is to say, "It's time." I hope you will join me and the majority of the ED&A Committee in support of this bill. Thank you.

Rep. Donald White: Thank you, Madam Speaker. Honorable members of this House. I rise today to speak against House Bill 68 for the simple reason that the history of this great nation reflects the pride and energy of all our people. It was ordinary people, regardless of status or class, who came forward to serve in every conflict. From the time the aristocracy in the colonies fought against the British rule and changed the history of the world, ordinary people, regardless of status or race have been our greatest source of strength. If we establish holidays to celebrate ideals, perhaps we should not reserve the day for one person, though many can certainly qualify.

Madam Speaker, Civil Rights Day and Veterans' Day are intertwined and rightly so since recognition of one complements the other. Observances shared by warriors who fought to preserve freedom and with people at home who struggled for equality and respect. Martin Luther King was such a person and a warrior, too. He bore neither shield nor pennoned lance but he was a warrior nonetheless. He knew fear but carried it with pride and that, certainly, is the measure. His place in our history is secure. But too often we look for and do not see them, and these ordinary people we certainly forget, sometimes too soon.

Madam Speaker, if you move among the battlefields and cemeteries of earlier conflicts, these places are seen as history, devoid of any sense of the thousands who perished for us on those bloody fields. Somehow, the impact of their sacrifice is really not brought home to you. I visited a more recent reminder of conflict, the great struggle we call World War II. I went early on a cool morning, the wind was just rising. Row on row of white monuments gradually emerging into the light. It was

quiet, the silence only broken by the rustle of leaves answering the whisper of the wind. It was a place of overwhelming sadness. A place where many found the equality in death that they dreamed of in life, yet they served us. People who are not accepted in society served us. People who were afraid to vote and were not allowed to direct their own destiny served us. People kept inside in crowded enclaves came forth and served us. People who experienced shame, isolation, condemnation, terror and death, every appalling rejection, served us. There were black people and descendants of our aboriginal people along with those of oriental descent who took up arms for a nation that held them away from everyday society. They did this under no single banner and behind no single leader. Those white monuments, their medals of stone, testify to their sacrifice giving us undeserved loyalty with slight hope of recognition. But their strength was reflected by their people who risked the terror of the streets to proclaim their right to equality anywhere they chose to be. We don't know all the names and often we don't care. Are these people doomed to be headless busts in history's gallery?

Madam Speaker, as one who proudly served, I hope when we observe these days of recognition, we really understand that the memory of their enormous sacrifices in peace and war stands alone, and never be obscured by the dust of history. Thank you very much, Madam Speaker.

Rep. Norelli: Thank you, Madam Speaker. Over the past several months, I've been asked by some very well-meaning people, "Shouldn't this day remain Civil Rights Day and not become Martin Luther King Day because it recognizes everybody's contribution to the Civil Rights Movement?" I believe that Martin Luther King, Jr. Civil Rights Day continues to honor everyone who worked for civil rights, while singling out Dr. King for his extraordinary leadership. Martin Luther King's work for civil rights was motivated by a broader vision of social justice, a commitment to nonviolent change and deep faith in democracy. The impact of the 1960s civil rights movement reveals the lasting importance of his image of a nation without racial strife and hatred. In fact, many of the people in organizations most closely associated with the cause of civil rights want to give special recognition to Dr. King. In a recently released statement, 25 New Hampshire citizens who are veterans of the civil rights movement said, and I quote, "Because Dr. King's message is just as important as ever in battles against racism, injustice, poverty and violence, we stand steadfast in our support for a New Hampshire state holiday named for Martin Luther King, Jr." Nationally known activists agree. Rosa Parks explained that Dr. King was the one who brought everyone together as a group and motivated them to believe that no matter who they were as individuals they could not give up their right to freedom. Andrew Young, one of King's top aides, states, "It is vitally important to note that massive social change was achieved without violence. Martin's belief in the power of nonviolence is an essential part of what makes this holiday important to America. In that sense, we are talking about a day that celebrates nonviolent social change, not just civil rights." U.S. Congressman John Lewis's book, *Walking with the Wind, A Memoir of the Movement*, has been cited in letters to us as New Hampshire legislators as a reason not to rededicate Civil Rights Day by adding the name of Martin Luther King. However, when questioned about his intentions, Congressman Lewis wrote to the sponsors, "As a participant in the movement, I believe it is fitting and much deserved for New Hampshire to honor Dr. King by celebrating Martin Luther King, Jr. Civil Rights Day. Dr. King was my friend, my brother and my hero. No other individual so clearly demonstrated in his work and deeds the ideals, the idealism and the strength of the movement." It is clear that all of those people who have dedicated their lives to the cause of civil rights feel that, in fact, they will be honored for their efforts and for their sacrifices through the recognition of their leader, Martin Luther King, Jr. Please join me and other civil rights supporters by voting in favor of adding Martin Luther King, Jr.'s name to Civil Rights Day. Thank you.

Rep. Vivian Clark: Thank you, Madam Speaker and I want to thank the representative because I've been involved in listening to this debate on Martin Luther King Day for several times now and I truly have never understood why people would be so strenuous in their desire to add Martin Luther King's name to the holiday because I believe New Hampshire is right in what they did. But, listening to you I realize that everything that you have said was phrased in the past. It all had to do with a movement that was done, that took place in the '60s. It all had to do with a particular civil rights effort. I have always seen this holiday as being a continuing admiration for those who fight for civil rights. So, what I want to ask you is, do you see Civil Rights Day or Martin Luther King Civil Rights Day as being a remembrance holiday or a holiday which supports that effort in all of us continuing and particularly going forward to fight for the civil rights of all individuals?

Rep. Norelli: Actually, I believe that Martin Luther King, Jr. Civil Rights Day would actually do both. I think that it is very important to acknowledge the tremendous change. As I said, it was a tremendous nonviolent social change that took place during what is often referred to as the civil rights movement of the '60s. However, there are still people in our country who are discriminated against and that movement continues. I think that acknowledges both Dr. Martin Luther King, Jr. as someone who had a significant impact and who continues to have a significant impact today. As Rep. Millham mentioned, there was a five-year-old that came in and spoke. That five-year-old was not around in the '60s but that five-year-old is still being impacted today by the work of Dr. Martin Luther King, Jr. By keeping, also, Civil Rights Day, it continues to move that forward as well.

Rep. Putnam: Thank you, Madam Chair. I am opposed to House Bill 68 and Senate Bill 80, changing Civil Rights Day to Martin Luther King Civil Rights Day. Washington's and Lincoln's birthdays are no longer — change for sake of change. We have heard comments that New Hampshire is the only state that does not honor King by name on Civil Rights Day. Madam Speaker, if you and 398 members of the House here jump out that window right now, don't look for the 400<sup>th</sup> member to jump behind you because this is the thing to do. It has been noted that times change and people change with them. I have not found any evidence of racism amongst my ancestors dating to back to 1634 when they arrived in Salem Village, Mass. Based on information in S.D. Hildreth's book, *Pioneer History: Being an Account of the First Examination of the Ohio Valley and the Early Settlement of the Northwest Territory*, the Marietta, Ohio *Times* reports as follows:

"The honor of being the first black person to vote in Washington County goes to Christopher "Kitt" Putnam, who cast his first ballot decades before black persons were officially guaranteed voting rights in the United States. Putnam's first vote was for delegates who went to write a constitution for Ohio while the area was still a territory. Ohio became a state in 1803. Historical records indicate Putnam was a personal servant of Gen. Israel Putnam in Connecticut. After Gen. Putnam's death, Kitt Putnam lived with the generals' son, Col. Israel Putnam. The two came to Marietta from Connecticut in the fall of 1789 when Kitt Putnam was about 16. Putnam struck out on his own at age 21, taking the Putnam name and working and living with Captain Devol on the banks of the Muskingum River. There he cleared farm land and assisted with mill work. He died in 1802 before the constitution he voted for came into effect." So blacks did vote before we were told that they were allowed to vote. Please join me in voting no against this bill. Thank you, Madam Chair.

Rep. Withee: Thank you, Madam Speaker. I rise today in support of House Bill 68. I didn't think I was going to be nervous this morning, but as I look out I begin to feel the weight of the debate. I look over to Jim Splaine who asked me to speak on this and this is something that he has been working on for 20 years and so, I just hope I don't drop the ball for you.

Madam Speaker, when Civil Rights Day was enacted, there were two reasons for the legislation. One reason was to honor those men and women who dedicated or were going to dedicate their lives to issues of equality. The second reason, and the reason I think is the most important one, was to educate people about prejudice. I believe that that is the most important aspect of the two objectives because without a solid, fundamental understanding of civil rights you can't begin to honor the work of the people that we actually created the holiday for. I believe it's because we need to strengthen the education component of Civil Rights Day that I stand before you today.

Madam Speaker, my perspective of Dr. King and of Civil Rights Day is probably a lot different from most members of this body. You see, Madam Speaker, I was born in December of 1969, that was after Martin Luther King was killed. I have no personal knowledge of the civil rights movement. I do not remember Rosa Parks. I do not remember school busing. I do not remember lunch counter sit-ins, and I do not remember the Civil Rights Act of 1964 and the Voting Rights Act of 1968. In short, Madam Speaker, I am a member of the first generation that had to be taught Civil Rights. It is because I had to learn Civil Rights that I feel that I am qualified to speak to you this morning about that education component.

Madam Speaker, how do we begin to transform the struggle for equality under law from some abstract historical event for people that have no knowledge of it into something real, something that they can see and feel and experience together? How do we begin to make civil rights relevant to people today? I believe that the answer lies in making Civil Rights Day personal. If we add to our Civil Rights holiday the name and the face of a citizen or a person who is synonymous with civil rights, then we begin to humanize the whole event. When we begin to humanize an issue as complex as the civil rights movement, we promote education. Education leads to understanding and when we have understanding is when civil rights becomes meaningful.

Madam Speaker, I believe Dr. Martin Luther King is that person that we should add to our Civil Rights holiday. It is not me that chose Dr. King. It is not the sponsors of this bill. History has chosen Dr. King for two reasons. One reason is that he advocated nonviolent social change in a period of tremendous upheaval. The second reason, and Rep. Clark, I believe that this goes to your question a little bit, is that his message above all other messages transcends the black/white issue of the 1960s. What Dr. King's message was, was that we as a people are a better and stronger nation, all members of that nation. That goes far beyond the black/white issue, that goes to women's issues and issues about how we will get along in the future. Madam Speaker, I urge the House to adopt this bill and to make Dr. Martin Luther King's message and his methods the beacon and the banner that we carry forward to help guide us into the next century. I thank you.

Rep. Lent: Thank you, Madam Speaker. Would you agree, then, that by adding Martin Luther King's name to Civil Rights Day we put a face on the civil rights movement? By that I mean just as the image of George Washington, his face on coins, bills and stamps, stands not just for one great man, but for those hundreds of men and women who participated in the great battle for our independence, so can the face, the name and the image of Martin Luther King stand for those brave men and women who worked 150 years later for the equality of African Americans? Do you agree that by adding the name Martin Luther King we put a face on the civil rights movement?

Rep. Withee: Yes, Representative, we do and I hope that that is the outcome.

Rep. Mock: Thank you, Madam Speaker. My fellow committee member, I wondered if you could allay a great bit of anxiety that I have if I were to vote for this. My question, I guess, is this: Can you give me a good solid reason for tying the first American's name to a holiday of a person whose criminal record is sealed from my view for 50 years? Why could I do that? Could you answer that for me?

Rep. Withee: Mr. Chairman, I will certainly try to answer that for you. I believe that it is Dr. King's message more so than his human frailties that we look to. That's what I look to because I never knew him and I don't have the same knowledge. I don't remember him being arrested. But to me and to people of my generation he really is a hero. He goes beyond being a leader of the civil rights to being an American leader.

Rep. Rosen: Thank you, Madam Speaker, and distinguished colleagues. I am here before you today to urge you to reject House Bill 68 and in turn support the next bill on the calendar, House Bill 336 which is an act establishing the third Monday in January as a holiday to be known as Abraham Lincoln Civil Rights Day. Later on, I will let you know why I am specifically taking this stand. I have been a member of this General Court for 11 years and every other year during that time, and many years before, the same issue has arisen, namely to create a Martin Luther King, Jr. Civil Rights Day. The most frequently heard argument has been that New Hampshire should adopt this holiday because every other state has. The effort has failed every time it has come before the House, probably because mindless conformity is not a characteristic of the people of New Hampshire or their elected representatives. The other frequently heard argument is that the state of New Hampshire may suffer penalties to its hospitality industry because of boycotts by business groups seeking to curry favor among King supporters. Just this last weekend, I received a letter, a shameful letter, all of you probably got the same letter, from a prominent purveyor of convention facilities in this state. That letter urges adoption of Martin Luther King Day for business reasons. There is no apparent veneration of King or of civil rights in this letter, just business. I am a supporter of our state's hospitality efforts. I am a member of the Tourism Council, but I hold it unconscionable to base the noble purpose of observing Civil Rights Day on such crass grounds.

It has been argued that Civil Rights Day must be linked to some person that has been associated with one of the most painful struggles in our country's history. I am not sure that this association is necessary, but if it is, I believe we should honor someone who meets the following requirements: first, be pre-eminent in the actual achievement of civil rights; second, be a person of unquestioned moral stature, let me repeat that, of unquestioned moral stature; and third, be recognized as a person who is completely dedicated to our country and all of the people in it.

There have many persons who have been and still are active in the battle for equality. Some of these persons have probably accomplished much more than King. Thurgood Marshall, John Lewis and Rosa Parks come to mind. But the one who stands head and shoulders above all others with respect to the requirements I mentioned above is Abraham Lincoln, the 16<sup>th</sup> President of the United States. King was a passionate orator. We all know of his "I Have A Dream" speech and he was effective in public relations. Lincoln was also a most powerful orator. Besides his Gettysburg

Address, there are his unforgettable words, "A house divided against itself cannot stand. (I wonder if that applies to us) A nation cannot survive half free and half slave..." but beyond his speeches, he not only emancipated the slaves and put them on the road to equality, but he also successfully fought to preserve the Union. Both men did suffer the fate of martyrdom.

Now, I will admit to two prejudices in this discussion. First of all, I am a retired military officer. I spent 30 years in the Navy, having seen service from 1942 to 1973, and I, personally, am familiar not only with the hardware of warfare, but also the human factors, stress, devotion to duty and carrying out the nation's declared objectives and, I might add, even if personal sentiments might not be the same as those declared by our political leaders. I remember very vividly King's remarks concerning the Vietnam War and particularly his scurrilous comments concerning our beleaguered servicemen. I cannot forgive him for these remarks and his approach to the nation's tribulations. This is a very personal matter. I feel it strongly and basically that is the reason I am here.

The second prejudice stems from the fact that I am a native of the state of Illinois, the home state of Abraham Lincoln. In Illinois, Lincoln's birthday is a grand holiday on a par with July 4<sup>th</sup> and Christmas. I personally am baffled by the fact that the birthdays of Lincoln and Washington are not national holidays.

To return to the House Bill that is under consideration now, in 1991 I had an amendment prepared to the usual King bill. This amendment would have associated Lincoln with the day. I did not present the amendment when a compromise was hammered out that resulted in Civil Rights Day as we now have it with no associated name. Apparently, this compromise did not settle the dispute and, therefore, I am taking a stand today. I still think that might be the proper dispute but if we are going to have a name, it should be Abraham Lincoln.

In conclusion, New Hampshire has held a prominent position in the struggle to preserve the Union and to insure equality for all. A tour of the Hall of Flags will attest to that. Let us solidify our position in that monumental effort by honoring the leader of that struggle, Abraham Lincoln.

I ask you to oppose House Bill 68 and support House Bill 336, as amended, which is the next item on the calendar. Thank you very much.

Rep. Kelley: Thank you, Madam Speaker and members of the House. My good friends, on the advice of Rep. Splaine, I've cut down my 45-page speech to three. I am asking that you support House Bill 68 in order to give Dr. Martin Luther King, Jr. the recognition he deserves. He was a giant among men and in honoring him, we honor all who worked for civil rights. As we enter into this Chamber and begin our day in service to our state, we approach the tasks ahead with reverence in prayer and in the oath each one of takes. "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all." In the south, for a hundred years after the Civil War, blacks, although citizens of the United States, enjoyed neither liberty nor justice. Dr. King was reviled, stabbed and nearly killed in a book store. Both his home and church were bombed. He was arrested and jailed many times on trumped-up charges, even given a four-month sentence at hard labor on a chain gang for failure to get a Georgia drivers license. In 1964, he was awarded the Nobel Peace Prize and led a march of 250,000 people in Washington to protest racial discrimination. In 1968, he was shot and killed in the prime of life. Although his life ended, his voice still rings out proclaiming freedom and justice for all. He dreamed of the day when little children will be judged not by the color of their skin but by the content of their character. So must New Hampshire now be judged by the content of its character. We must pass this legislation honoring Dr. Martin Luther King, Jr. so that the ugly stain of bigotry and racism will be cleansed from the face of our beautiful state. Thank you.

Rep. Lefebvre: Thank you, Madam Speaker. I would like to first thank the New Hampshire State Library for this particular edition of Jefferson's life and also the UNH library for the only book in existence about the colored people and how they lived and survived in America, etc. It is a beautiful book. There is so much in there to learn about their life and we have most all forgotten about Jessie Owens and Marilyn Anderson, the struggle that they had to go through to accomplish what they did when they were standing all alone in a mass sea of white people. But, what I have to say to you here may be a little bit difficult to understand, really. It is about what we carry in our hearts, secretly, that no one need ever know, perhaps never shall and it doesn't really matter. But it is what you do with what is in your heart that really matters.

Writers of the intimate history of Thomas Jefferson find it odd that Jefferson should have written such a detailed account of the speech of an Indian chief when he neglected ever to make mention of the dangerous adventures his father had accomplished.

But, I do understand why, because I have been and shall forever be guilty of the same neglect. Thomas Jefferson needed to be moved. He needed a profound sense of purpose, like I am doing right now. I sense it is a need so we can all understand what drives us. Permit me to ask you, why did I write that poem in 1989, "Proganitors?" Because I knew we could soon lose one of our most gracious-loved OWLs in this House, and I wanted her to know, secretly, no one must know the intent of that love and respect that in this poem while she lived was largely intended and inspired by her. I'm sorry I have to read this because if I did not I would go right off on a tangent. Though our Sandra upstairs in the LOB was very displeased and also very patient in putting up with this writing. If only you could have seen Caroline's eyes as I approached the end of that poem and leaped to her feet. That expression is engraved in my heart and no one ever knew before today why I did it.

Now, here we go. Who inspired Jefferson to take up his pen and stay up late night after night, writing, rewriting, constructing, to hand to this world the most beautiful document this world shall ever know? Hasn't anyone ever thought to ask that question? What was his inspiration, oh gifted, some would say and perhaps relevance? Did anyone ever ponder on the birth of that beautiful child that grew into his heart that overflowed with such love as he had never known in his life? What was it about that baby that drove him to such heights, night after night? He knew that child, those beautiful eyes, must be, shall be, protected through a document for all Americans to be protected for all point in time, from the secret wars over the rights of man that existed in America then. The birth of Sally Hemmings changed all that.

The extraordinary skill used by Jefferson that would change the world in due course is still at work today to establish freedom, not only for Africans in America but worldly. Should I ever be asked to pick one person who ever did or should ever do more for Africans, I unequivocally would shout out Jefferson, though he did it ever so skillfully and silently. To pick one and declare it is superior over all the others, as much as I love what Jefferson stated and started in his style, I could not declare all the many thousands who followed less human. The psychological, and here we go, implant with all emphasis on one is to limit thought and justice on all those beautiful ones that will be left unclaimed, undeclared and unmentioned and silence them for eternity which is usually what happens. The deed that Martin Luther King did accomplish will live in many hearts to follow that also contributed to all past accomplishments. But it could not have happened without the greater deed of Jefferson and those who contributed to give that awesome American right to all Africans and Americans and the world over protected under the Constitution. Our House of Representatives in New Hampshire has had thousands of excellent contributors to our New Hampshire way of life to our present life today. Tell me now which one would you pick and do justice to all as having been the greatest leader and not make a mistake.

On behalf of Thomas Jefferson and Martin Luther King, I thank you for your kind attention. Thank you. Rep. John Pratt: Thank you, Madam Speaker. It's been more than 30 years now since that spring day when I joined thousands of my countrymen in the long mournful march through the streets of Atlanta, following the old mule cart on which was the coffin of my colleague and my friend. As we walked through the streets we passed, on our right, the Atlanta City Hall its flags all at half-staff, its impressive portico draped in black crepe and a beautiful funeral spray in the double doors. A moving, moving tribute which Atlanta gave to its most famous citizen. A block or so later on the left on a small hillock was the Governor's Mansion, its three flags flying at full-staff, including the Confederate battle flag. Behind the tall wrought iron fence every 20 feet stood a state trooper in full flak jacket carrying a shot gun, many of them hurling invectives at us as we walked by. A vivid reminder that in death, as in life, Martin Luther King, Jr. was a figure who evoked deep, deep passions.

Madam Speaker, I hope my colleagues today will vote in this Chamber to dispel any doubts, if doubts there may be, as to which side of the street this venerable building and the people we represent stand with regard to this question. There are many things I could say. Let me try to relate two incidents which I hope will speak to the question of why this particular man should be memorialized by this nation.

The first happened on the very last day of the march from Selma to Montgomery. Dr. King and a small party left the home where he had been staying and we drove in a caravan to begin the march. We pulled onto Route 82. We passed, every hundred feet or so, soldiers who had been nationalized in order to protect the marchers. We arrived at the point, the Catholic seminary where the marchers had assembled and tried to turn left. But a young private was directing traffic and he had been given orders, "no left turns." So he motioned the caravan to keep going. Andy Young rolled down his win-

dow and said, "This is Dr. King's party. We're here to start the march." The young soldier said, "Sorry, sir, my orders are, keep going." So Andy got out and began to talk to him and wasn't getting anywhere. Ralph Bunch, the Under Secretary of the United Nations, got out and went up to him and said, "I'm Ralph Bunch, the Under Secretary General of the United Nations. We're here to start the march." The young private said, "Sir, this is Alabama and not the United Nations and you can't turn left." Another of us got out and finally Martin got out of the car and walked up the street, this is the road on which one person had already been murdered, and asked what the problem was. At that very moment, a motorcycle policeman came roaring up with lights flashing and came to a screeching halt and yelled at the young private, "What the hell is going on?" The private said, "These people want to turn left and my orders are they can't turn left." The motorcycle Montgomery police sergeant looked over, he saw this mixed crowd, black and white and then he spotted Dr. King and his mouth dropped. I could see it. He looked at King and he looked at the private and he looked back at King to be sure he was seeing what he thought he was seeing. Then he looked back at the private and said words I've never forgotten. "You goddamn fool, that's the man. Let him through." This was spoken at a time when still throughout the South white people called male black Americans "boy." In that inadvertent statement by that Montgomery police sergeant, I knew that a page had been turned in American history that could not be turned back. It was a symbolic statement of change that we had been waiting for and working for since the time that the first slave came.

The other event I didn't witness. It took place in Berlin in 1964. Dr. King went to Berlin after he had received the Nobel prize and a Lutheran minister, who I had dinner with in Walpole a few years ago, had been asked to escort him over to the eastern zone to meet with German clergy, East German clergy. You will recall 1964 was a time shortly after the Berlin Wall had been built, a time of maximum tensions. This Lutheran minister brought Dr. King and his party through the checkpoint and into East Berlin to the place where he was to meet the clergy and much to everyone's surprise, the plaza was filled with people. When he entered the church, the church was filled with East Germans, persons who had risked the wrath of their own state's police to be there. Instead of meeting with the clergy, Martin spoke to the gathering. His words were translated first into the church and then by someone at the door to those outside. When he had finished speaking the crowd broke into the civil rights hymn, "We Shall Overcome", including the great verse, "We are not afraid. We are not afraid. Deep in our heart, we are not afraid today." The Lutheran minister ended by looking at my friends the Schofields and I in Walpole and said, "You Americans simply do not understand how extraordinarily important Martin Luther King's message of nonviolent resistance was to the people behind the Iron Curtain in the 1960s."

We have a chance today, I think, to reaffirm the choice made first by American blacks then by America and then by the world, in proclaiming this man truly one of the great figures in world history in our blood-soaked century and I ask for your support. Thank you.

Rep. Eaton: Thank you, Madam Speaker. I picked those flowers this morning from the edge of the woods behind my house, the forget-me-nots for remembrance and the purple violets for humility, because I think when we are honest with ourselves it is not just our head but it's our heart and our soul and our spirit along with our head that helps us to make decisions and take direction. There was a dream and the dream was to have whites and blacks best able to realize their own potentials. For that dream a life was given. Martin Luther King believed in that dream. He lived it and he lost his life. Madam Speaker, Abraham Lincoln had a dream and he believed in blacks and whites realizing their own potential and he lost his life. Jack Kennedy had a dream. One of his dreams was to help people realize their own potentials and he lost his life. This morning I just need to tell you, I chose this silver cup from Hyannisport back in the vintage of Jack Kennedy and I smiled when I took it down and put the flowers in it because it was a subconscious choice. I was there and on a beautiful Sunday morning in the summer time where I was, they said, "Go out and sit on the north porch where the red rockers are and he (Jack Kennedy) will drive by. He will drive his own car. He will drive very slowly in his black Cadillac and he will be relaxed." So, I went out on the north porch and sat in a rocking chair. Pretty soon, I looked down the street, and it was a right-angle turn. It was a beautiful sunny morning. I was in the shade. The sun was on the street and pretty soon came this black Cadillac, probably going 10 miles an hour. His arm was on the window ledge. He was very relaxed. He was all by himself. He went slowly by and he gave me that great smile and said, "Good morning. What a beautiful day." Well, he touched my heart. Abraham Lincoln touched my heart. Martin Luther King touched my heart. Today, we have two choices. One choice is to take the shorter view in accomplishment and be specific or we can take the longer view, Madam Speaker.



The longer view is what I think is what we all strive for. It is when we work together, when we meld together, when we recognize that no one person does it all. This morning I will be voting for everyone so I will be pushing the red button. But, I have great regard for all of these men and for all of the men and women who, over the years, have put themselves on the line and helped make a difference. Thank you, Madam Speaker.

Rep. Leishman: I wanted to relay a story, Madam Speaker and honorable members of the House. I often think of the members from New London and Conway who very often have interesting stories to tell and this certainly won't top theirs. The last time we voted on the Martin Luther King bill I was approached and thanked for my vote and I said that I was sorry that it was defeated. He said, "Don't be sorry, because I rode in the back of a bus and I fought in a black division. Be sorry for the kids, the kids that want to recognize a civil rights leader." That brief comment stuck with me because my two children, 9 and 11, said, "Why didn't the House vote to support Martin Luther King?" I listened carefully to the comments of the representative from Bedford who grew up in a time that civil rights had passed. I'm a little older than him and remember the violence that occurred after the death of Martin Luther King. We've heard the argument that we've got all these other civil rights leaders, why not honor them. This gentleman is a name that's recognized around the world like Gandhi or others that fought non-violent acts for freedom. In Tiennamin Square, the former Soviet Union or South Africa, the man is notarized and recognized and honored. I believe we ought to press the green button today and do the same thing. Thank you.

Rep. Loren Jean: There is always that 10 percent that doesn't get the word. You hear all about that in the military. Good morning to everybody and a special good morning to our visiting representative from Bosnia. Now, the Governor, in her inaugural speech, mentioned that we cannot end this century without making Martin Luther King part of our heritage that we leave to our children. A heritage is a birthright. We'll get into birthright in a little bit. This is about names. If we were to use names, let me just consider these names – Roger Williams, Thomas Paine, Nat Turner, John Brown, Amelia Bloomer, Susan B. Anthony, Standing Bear, Frederick Douglass, W. E. B. Dubois and that woman in Tennessee, and I don't know her name and that's what's lacking in our history today. She was a black publisher of a newspaper in Tennessee. At the height of the lynchings she started writing editorials that really piqued these people in Tennessee to the point that she was shot, she was burned out, but she persisted. In the end, she struck such a cord and hit the conscious of the people of Tennessee that there was not a lynching in Tennessee for 20 years. Harriet Tubman, William Lloyd Garrison, Rosa Parks, James Meredith, on and on. However, if you were to mention any of these names, and I've tried it, to some of these young people that come through here with the badges that we must have this holiday and ask them, "Tell me all you know about Frederick Douglass. Tell me all you know about Susan B. Anthony. Tell me all you know about William Lloyd Garrison," you will be met with a blank stare because today history does not teach about these people. It's kind of all focused in one direction, don't you think? There is a lot to civil rights. It is not just these particular individuals. There are names that are lost to history. Speak about the civil rights of children. We can't think back here because I don't think there is anybody alive today in this room that has a living memory of the mines with their blind ponies and dying boys. Of little boys in the machinery behind the looms because they were small, they could get in there. Every now and then somebody working on the looms was met with shrieks from these boys being tattered and these little girls with their flowing skirts caught in the machinery. You go down to your historical society in whatever town you live in, if it's an industrial town, and you just take a look at the pictures on the wall. What looks like a picnic, a company picnic, is actually the workforce. You see children eight and nine years old in that picture. My grandfather worked in the mills in Nashua when he was nine years old. We eliminated debtors' prisons. Now you don't go to jail if you owe somebody money; you used to. What about all those people that worked for these changes? Now, you have heard and you will probably continue to hear about what happened. We keep dredging up what occurred and what the laws were in the ante-bellum South and we hear what happened after *Plessy v. Ferguson*, we went through 58 years of "Jim Crow." But the die was well cast by the mid-fifties to end segregation in this country as we know it. It took a nudge, yes. There was an awful lot more before. Let's go back a little bit. Three million men fought for the North in the Civil War. New Hampshire was known as a state that did not like slavery. We were an abolitionist state. Forty thousand New Hampshire men served in the Civil War in the Union Army. We had a population of 230,000 something, you factor out the women, 20 percent for the young and old, and you

have a percentage rate of 40 percent of the people of New Hampshire fought in that war to end that abominable practice. To paraphrase the marching hymn of the republic, "as He died to make men holy," how many beloved sons of the soil of New Hampshire left their plowshares, left the pulpits, left the cobblers bench, left their sweethearts and left their children to go fight for this cause. We've only to look downstairs and see the heartrending tatters of those battle flags for that answer. To give the true meaning of a heritage, a heritage of a birthright, of a free nation, we have to look at the essential character of its people. Ours is defined by a constant striving to better itself. Our legacy is of that striving and the legions of those who have fought for human betterment. Our heritage is alive and well. We would not be better served to embody all that is valorous and embody the sacrifices of all those that came before us in the persona of one. Regardless of the committee report, regardless of the pressures of your caucus, do not succumb to the political bigotry of this issue. Do not vote in such a manner as to do historical violence to our ancestors. I ask you to compose your emotions and vote for what is right. Finally, do not vote in such a manner that when walking through that hall downstairs you have to bow your head and say, "I'm sorry."

Rep. Key: Thank you, Madam Speaker. Honorable men and women of this historic House of Representatives, I rise to support the addition of Martin Luther King's name to the current House Bill 68 which is presently called the civil rights bill. Before getting up here I was told to make my remarks short by one person and to make them very short by another person. The reason I should keep my remarks short is because you have heard this same speech for the last 20 years. I want to guarantee you this, that you will not hear the same speech from me that you've heard. While I respect that you have sat in these hot, tight, sweaty and uncomfortable seats and have listened patiently to the same old stories about Martin Luther King for the last 20 years, I said to her, "My God, they must be a tough audience." I also said to her what Winston Churchill said when he gave the shortest commencement speech in the world, and I quote, "Never give up, never give up, never give up, never give up, never give up," and he said it about nine times. He said, "Thank you." and he sat down. The person who was speaking to me said, "Harvey that's perfect." I knew at that moment that my speech must not be too long. So, my first quote is from Frederick Douglass to President Andrew Johnson on February 7<sup>th</sup>, 1866, and I quote, "Peace between the races is not to be secured by degrading one race and exalting another, by giving power to one race and withholding it from the other; but by maintaining a state of equal justice between all classes."

My second quote to you is a question by Thurgood Marshall before the Supreme Court when he was chief counsel for the plaintiffs in *Brown vs. the Board of Education* and I quote, "Why, why, why of all the multitudinous groups that come into this country, do you have to single out Negroes to give this special treatment?"

My purpose here to you, ladies and gentlemen, is to give you a few good reasons why I think that Martin Luther King's name attached to the present civil rights bill will be beneficial to our state and our greater society, especially with our youth and our present state of ugly and ungodly violence. I want to take you on to a short journey about Martin Luther King and why his name should be attached. Then I will give you a little personal story about myself because what I've heard is like second and third stories about Birmingham. I was born in Birmingham and I'll tell you that story shortly. First of all, Martin Luther King was a pacesetter for human rights. His movement raised the level of self-esteem and self-worth for almost 30 million African Americans in our county and hundreds of millions around the world. He was the leader of one of the greatest and most powerful non-violent movements known to man in the last century. During his last 12 years, African Americans in this country made more progress than any other time in this century. He caused governments around the world to change the ways they treated all human beings. Martin Luther King helped extend human and civil rights where they never existed before from the valleys and hills of Vietnam to the Russian border. His work affected more than 150 different countries. He was the apostle of militant non-violent action for approximately 6 billion people around the world who came in all shapes, forms, colors, races, creeds, sexual and religious preferences. It didn't make any difference to him. He shook the foundation of racism in this country. He overthrew the legal segregation in the south. His movement guaranteed basic democratic rights, not only for blacks but for many whites, throughout this country. King was this country's greatest advocate of non-violence as a philosophy of life. Like Gandhi of India, he proved that non-violence is not passive but a militant, powerful and coercive method to achieve social reform. King's significance is recognized around the world by all world leaders. Martin Luther King was an eloquent spokesman for the conscience of human dig-

nity and consciousness. He accomplished all of this without guns and without violence. Martin Luther King's mission was peace on earth for all men, not just in America but the entire world. King's movement caused America to live-up to his promise and to his dream that all men are created equal. This is just a part of his long enduring legacy.

I, too, put away four or five additional pages that I could be talking about. But, I want to tell you I was born in Birmingham, Alabama, under the feet of George Wallace and then the Police Commissioner, "Bull" Connor. As a little boy, I could not walk the streets and look white people in the eye because that was a threat to white people. I could be arrested for disorderly conduct. I could not shine shoes on the street. I could not deliver papers on the streets. You're telling me these are civil rights, this civil right, there is only one or two or however you want to dodge the bullet. As a young man, I saw many shootings of colored men, Negroes you might call them, who had supposedly stolen something from a store and were shot in the back by white policemen. The only excuse they had for that was that was the only way they could stop them, by shooting them. I suppose that may or may not be emotional for some of you. It gets me. I had an uncle whose name was Sam. He was 6-feet 4. He weighed about 280 pounds. He was accused of disrespecting a white woman and talking back to a policeman. They took him out one night and they beat him terribly bad. They beat him so bad that he came back and stayed in the house for almost a month. When he was able to come out, he told us that they had beaten him with belt buckles. He showed us the prints in his backside and on his legs. At that time he said to us, we were quite young, "Whenever you see a white man or a white woman or a white person on the street, get off the street and don't look them directly in the eye because you can be whipped just like I was." For a long time I found it difficult to look people in the eye. Sometimes, I find it difficult now. That was before I was age 14. At age 14, I had no self-esteem. I didn't have much hope for being anybody so I became a gang leader. I was tough, a little guy, but I was tough. I was put in jail at age 15 for assault and battery with attempt to murder. Somehow, I got out of that. I did get out of it and I went to a Catholic school. I was put out of public school, permanently, and went to a Catholic school and the good sisters took care of me. They beat me on the hand frequently with that ruler because I wasn't a good little guy. So, they turned me out pretty good. In that high school, I was the second highest, I guess, scholastic person there. I earned the highest grades in English, math and chemistry and won a scholarship to college. I went away to college and then I went to the Army. Armed with my college degree and an honorable discharge from the Army, I came back to get a job. The first place I went to get a job was the University of Alabama Medical Center and they said I didn't have enough education and I had a degree in Chemistry and Biology. I said to them that maybe I could take a janitorial job, and they said, "You have too much education." Those are civil rights that Martin Luther King wouldn't stand for. I couldn't get a job at either one of these places so I became a waiter at the country club. If any of you have traveled in the South, you might know that this is a fabulous country club. There, I became a waiter with other people who also had college degrees and we hung out at A.G. Gaston's motel. We used to have a few cool ones. I think you know what I mean. On this one day, we were having a cool one and Martin Luther King, we didn't know he was there, was having a conference with some of his SLC leaders or members. Shortly thereafter, a big bomb blew a hole in the wall. It didn't hurt anybody. But it seemed it was contrived or manufactured by the police because about 10 minutes later they were having a press conference with Martin Luther King. Me and my boys were ready to go after them. We were tough and young and not too smart. But, while he was having the press conference we decided to go listen to the press conference and I didn't know Martin Luther King from anybody. He wouldn't know me now or anybody else, I would imagine, in that group. But we were ready to pick up anything we had to go and get the guys who happened to be people of a different color and kill them. While there, Martin Luther King said to us - he mentioned Mahatma Gandhi and his philosophy about non-violence and I was so electrified I stayed there until the wee hours of the morning talking to not only Martin Luther King but the other members of that group and at that time I put down my arms and I became warrior and I became an ambassador for peace and non-violence.

Just recently, last week - I have a granddaughter who is six-years-old and she wrote me a poem. "Papa, Papa, all the way from Alabama with a banjo on your knee up to New Hampshire to help keep people free." It's tough for me.

Madam Speaker and members of this august body, please vote for House Bill 68.

RECESS

**(Speaker Sytek in the Chair)****REGULAR CALENDAR (CONT'D.)**

**HB 336**, establishing the first Monday in February as a holiday to be known as Abraham Lincoln Civil Rights Day. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: Although well intentioned, this bill was overshadowed by the Martin Luther King debate. The low positive vote was not a reflection of the committee's respect for President Lincoln, but merely recognition that other approaches to naming Civil Rights Day took precedence. Vote 15-3.

Rep. Rosen spoke against.

Rep. Pepino requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 223 NAYS 106****YEAS 223****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Millham, Alida	Salatiello, Thomas
Thomas, John	Turner, Robert	Wood, Jane	

**CARROLL**

Bradley, Jeb	Kenney, Joseph	Philbrick, Donald
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**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H Charles	Smith, Edwin
Zerba, Roger			

**COOS**

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Landers, Dana	Mears, Edgar	Rodrigue, Robert	Tholl, John, Jr

**GRAFTON**

Almy, Susan	Brothers, Richard	Copenhaver, Marion	Densmore, Jessica
Eaton, Stephanie	Guest, Robert	Johnson, Gary	Marshall, Gene
Mirski, Paul	Picconi, Al	Scanlan, David	Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Batula, Peter	Bergin, Peter	Buckley, Raymond
Burkush, James	Chabot, Robert	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Curran, James
Dawe, Eileen	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Hansen, Herbert	Herman, Keith	Herman, Richard	Holley, Sylvia
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaRose, Richard
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	Martel, Andre	McGough, Tim
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary
O'Connell, Timothy	O'Hearn, Jane	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Turgeon, Roland	Vaillancourt, Steve	White, John
Williams, Carol	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	French, Barbara	Gile, Mary	Jacobson, Alf
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Moore, Carol
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Blanchard, MaryAnn	Bridle, Russell
Clark, Martha	Clark, Vivian	Cooney, Richard	Dalrymple, Janeen
Downing, Michael	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Francoeur, Sheila	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langone, John
Letourneau, Robert	Lovejoy, Marian	McKinney, Betsy	Morse, Charles
Norelli, Terie	O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline
Reardon, Neil	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Tufts, J Arthur	Vaughn, Charles
Weatherspoon, Jackie	Whittier, John		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Cossette, Larry
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Grassie, Anne	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Lent, Donald	Lundborn, Raymond
Musler, George	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Wall, Janet	Woods, Phyllis	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Jones, Constance	Leone, Richard	Phinzy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

**NAYS 106****BELKNAP**

Czech, Stanley	Holbrook, Robert	Johnson, James	Pilliod, James
Rice, Thomas	Rosen, Ralph		

**CARROLL**

Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Sullivan, P Judith
Torressen, Gary			

**CHESHIRE**

Roberts, William	Rose, William
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**COOS**

Merrill, Gerald	Pratt, Leighton
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**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Gilman, G Michael
Hall, David	Harmon, Hobart	Hinman, Harry	MacNeil, Allen
Phinney, William	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Belvin, William
Bergeron, Lucien	Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr	Dalianis, Griffin
Daniels, Gary	Desrosiers, William	Fenton, James	Fletcher, Richard
Flora, Kathleen	Jean, Loren	Kurk, Neal	L'Heureux, Robert
Lessard, Rudy	Martin, Mary	McCarty, Winston	McDonald, James, Sr
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Rowe, Robert	Thulander, O Alan	Wall, Nancy	White, Donald

**MERRIMACK**

Asplund, Bronwyn	Hess, David	Kennedy, Richard	Langer, Ray
Larrabee, David, Sr	Lavoie, Gerard	Maxfield, Roy	Nichols, Avis
Soltani, Tony	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Corbin, C David
Dearborn, Bruce	DiFruscia, Anthony	Dolan, Richard	Flanders, John, Sr
Hutchinson, Karen	Langley, Jane	Mikowski, Walter	Moore, Benjamin
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Raynowska, Bernard	Ruffner, Walter	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Weare, Everett	Welch, David
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Callaghan, Frank	McKinley, Robert	Torr, Franklin
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**SULLIVAN**

Kibbey, David

and the report was adopted.

Rep. Kobel voted Yea and intended to vote Nay.

Rep. Wendelboe did not vote and wished to be recorded against.

**SB 80**, adding the name of Martin Luther King, Jr. to Civil Rights Day. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn A. Virtue for the Majority of Executive Departments and Administration: This bill adds the name Martin Luther King, Jr. to Civil Rights Day which is a holiday celebrated on the third Monday in January. This action sends a message, loud and clear that New Hampshire honors Dr. King and the other heroes of the civil rights movement. His principles of non-violence serve as an example to us all in this era of increasing violence. Vote 11-7.

Rep. Benjamine E. Moore for the Minority of Executive Departments and Administration: In 1991, the legislature voted to establish Civil Rights Day. The intent of the legislation was clearly stated as follows: "Civil Rights Day Established. In recognition of the courage, determination, and personal sacrifice of the many people from a variety of cultural backgrounds who fought and died in the struggle to gain freedom and equality for all individuals, and to celebrate these freedoms in a manner consistent with every individuals' constitutional rights to free speech and liberty, this law seeks to honor these persons who have dedicated or will dedicate their lives to the issue of equality of all by establishing the third Monday in January as Civil Rights Day in New Hampshire. This recognized celebration of civil rights seeks to educate society, in an impartial manner, against prejudice." The minority strongly feels that the intent of the legislature should be sustained out of respect for those who worked diligently to establish Civil Rights Day in 1991.

On a division vote, 183 members having voted in the affirmative and 148 in the negative, the majority report was adopted.

Ordered to third reading.

**HB 497-FN-A**, relative to family literacy planning grants and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The Even Start program on family literacy is currently operating in some New Hampshire communities to assist illiterate parents with young children. It currently receives state funding in the amount of \$564,399. This bill would increase state funding by \$50,000 and be matched with \$100,000 in federal funds for planning and consultants to develop new programs and coordinate with existing literacy programs. Because the program is already in place and local communities are receiving funding, the majority of the Finance Committee felt that the additional funding should not be appropriated in a year when there are so many competing demands for the limited funds in our state coffers. Vote 16-10.

Rep. Gile spoke against.

Rep. Vivian Clark spoke in favor.

Rep. Jane Wood requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 186 NAYS 157

### YEAS 186

#### BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Turner, Robert	Wendelboe, Francine

#### CARROLL

Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Lyman, L Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		

#### CHESHIRE

Avery, Stephen	Hunt, John	Riley, William	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

#### COOS

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			

#### GRAFTON

Alger, John	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Hall, David	Harmon, Hobart	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Phinney, William	Picconi, Al
Scanlan, David	Weber, Phil		

#### HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fletcher, Richard
Flora, Kathleen	Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Jean, Loren	Kurk, Neal
LaRose, Richard	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McDonald, James, Sr
McGough, Tim	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Tate, Joan	Thulander, O Alan
Vaillancourt, Steve	Wall, Nancy	White, Donald	Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Hoadley, Elizabeth  
Leber, William  
Maxfield, Roy

Asplund, Bronwyn  
Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis

Brewster, Richard  
Langer, Ray  
Marple, Richard  
Soltani, Tony

Hess, David  
Lavoie, Gerard  
Marshall, Kenneth  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Cox, Russell  
Dowling, Patricia  
Flanagan, Natalie  
Griffin, Mary  
Johnson, Robert  
Langley, Jane  
Moore, Benjamin  
Priestley, Anne  
Reardon, Neil  
Stone, Joseph  
Weare, Everett

Beaulieu, Jon  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Downing, Michael  
Flanders, John, Sr  
Hamel, Albert  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Putnam, Ed, II  
Ruffner, Walter  
Stritch, C Donald  
Welch, David

Belanger, Ronald  
Clark, Vivian  
Dearborn, Bruce  
Dunham, Vivian  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Marshall  
Sapareto, Frank  
Tufts, J Arthur  
Weyler, Kenneth

Bishop, Franklin  
Corbin, C David  
Dolan, Richard  
Fesh, Robert  
Gleason, John  
Hutchinson, Karen  
Kobel, Rudolph  
Mikowski, Walter  
Packard, Sherman  
Raynowska, Bernard  
Stickney, Nancy  
Varrell, Thomas  
Whittier, John

**STRAFFORD**

Callaghan, Frank  
Torr, Franklin

Cossette, Larry  
Wall, Janet

McKinley, Robert  
Woods, Phyllis

Musler, George

**SULLIVAN**

Jones, Constance

Kibbey, David

Leone, Richard

**NAYS 157****BELKNAP**

Salatiello, Thomas

Wood, Jane

**CARROLL**

Kenney, Joseph

**CHESHIRE**

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Russell, Ronald

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Richardson, Barbara

DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy

**COOS**

Davis, Perley  
Rodrigue, Robert

Hawkinson, Marie

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Hinman, Harry

Copenhaver, Marion  
Johnson, Gary

Densmore, Jessica  
Solow, Martha

Guest, Robert

**HILLSBOROUGH**

Ahern, Richard  
Clemons, Jane  
Curran, James  
Dwyer, Paul, Sr  
Gagnon, Paul

Bergeron, Lucien  
Cote, David  
Daigle, Robert  
Fields, Dennis  
Garrish, Linda

Buckley, Raymond  
Cote, Peter  
Drabinowicz, A  
Foster, Linda  
Ginsburg, Ruth

Burkush, James  
Craig, James  
Durham, Susan  
Franks, Suzan  
Goley, Jeffrey



Gorman, Mary  
Herman, Richard  
L'Heureux, Robert  
Martin, Mary  
Moriarty, Mary  
Sargent, Maxwell  
Williams, Carol

Haettenschwiller, Alphonse  
Johnson, Lionel  
Lasky, Bette  
McCarthy, William  
Peterson, Andrew  
Simon, Anthony

Haley, Robert  
Keye, Harvey  
Lefebvre, Roland  
Melcher, Harold  
Reidy, Frank  
Turgeon, Roland

Hall, Betty  
Konys, Christine  
Lynde, Harold  
Mendenhall, Leslie  
Sarette, John  
White, John

### MERRIMACK

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Crosby, Toni  
Fortnam, Janet  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Daneault, Gabriel  
Fraser, Marilyn  
Larrabee, David, Sr  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
DiFruscia, Anthony  
Langone, John  
Pantelakos, Laura  
Shultis, Elizabeth

Blanchard, MaryAnn  
Hutchinson, Rebecca  
Lovejoy, Marian  
Pitts, Jacqueline  
Splaine, James

Clark, Martha  
Kane, Cecelia  
Norelli, Terie  
Schanda, Frank  
Vaughn, Charles

Cooney, Richard  
Kelley, Jane  
O'Keefe, Patricia  
Shelton, Richard  
Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
Brown, Julie  
Estabrook, Iris  
Johnson, Nancy  
Lundborn, Raymond  
Smith, Marjorie  
Taylor, Kathleen

Bickford, David  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Twardus, Joseph

Brennan, William  
Domingo, Baldwin  
Grassie, Anne  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith

Brown, George  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Spear, Barbara

### SULLIVAN

Allison, David  
Phinizy, James

Burling, Peter  
Robb-Theroux, Amy

Cloutier, John  
Tuthill, John

Donovan, Thomas, Jr  
Wiggins, Celestine

and the report was adopted.

**HB 666-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances. OUGHT TO PASS WITH AMENDMENT

Rep. Jean R. Wallin for Finance: This bill was introduced to correct interpretive problems in RSA 72-B, enacted in April of 1998. The bill exempts from the excavation tax and the excavation activity tax all small operators; excavations not exceeding 1000 cubic yards in a tax year now will file a notice of intent with the state, but will not be subject to the tax. The bill also makes it clear that cellar holes, septic systems, pools, and other excavations ancillary to construction projects are exempt from the tax, and from the notice requirement. The Finance Committee amended the bill to incorporate technical changes to RSA 72-B suggested by the Department of Revenue Administration and the NH Municipal Association. A concern about how the acreage of quarries is determined was also addressed. The amendment is intended to make RSA 72-B conform with both RSA 155-E, local regulation of excavations, and RSA 485-A:17, the terrain alterations statute. Up until now, local officials have had to refer back and forth to all three laws. The committee believes that HB 666 as amended will eliminate confusion about who is taxed for what, and when. Vote 26-0.

### Amendment (1353h)

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Declaration of Purposes. The legislature finds:

I. That there has been a great deal of confusion and uncertainty among taxpayers, assessors and municipalities regarding the applicability of the excavation activity tax imposed by RSA 72-B, and how it should be implemented;

II. That the legislature wishes to clarify that the excavation activity tax as defined in this act applies to the area of land which is being excavated, or has been excavated, and has not been reclaimed as defined in this act, and that the activity tax applies to the area of land which has not been so reclaimed;

III. That the legislature wishes to clarify that the excavation activity tax does not apply to excavation areas on which excavations ceased before August 24, 1977 and have not since reoccurred thereon; and that the excavation activity tax applies to exposed rock ledge area which has been actively worked within the previous tax year;

IV. That the legislature wishes to reiterate its findings and declaration of purpose of 1997, 219:I, that in appraising real property subject to the excavation activity tax, assessors shall not take into consideration the value of any earth contained in the real property;

V. That the legislature wishes to reiterate its original findings and declaration of purpose in enacting RSA 72-B, which provided a reliable means of taxing the value of earth by exempting earth and the real property constituting the area from which earth was being excavated from the real property tax imposed by RSA 72:6 and RSA 72:13, and subjecting it to the excavation tax and excavation activity tax created pursuant to RSA 72-B;

VI. That the legislature wishes to reiterate its original findings and declaration of purpose, which was to avoid the undesirable effects of taxing earth in the ground as real property, which included the premature excavation of such earth to avoid real property taxation; and that in order to ensure that this and other undesirable and unintended consequences of the taxation of earth, and the real property constituting the area from which earth was being excavated, do not occur, the legislature wishes to make clear that RSA 72-B must be read in conjunction with RSA 155-E, which provides a statewide comprehensive regulatory framework to regulate the excavation of earth;

VII. That one of the state's fundamental policy goals is to encourage and promote compliance with the statewide comprehensive regulatory framework for the regulation of earth removal and activities associated therewith, as set forth in RSA 155-E; and

VIII. That if the real property constituting the excavation area is exempted from the provisions of RSA 72:6 and RSA 72:13, and subjected instead to the excavation activity tax imposed by RSA 72-B, excavation operators will be encouraged to effectively use and manage known earth deposits and reclaim those areas of excavations that have been excavated since August 24, 1977.

2 Excavation Tax; Excavation Activity Tax. RSA 72-B:1 is repealed and reenacted to read as follows:

72-B:1 Excavation Tax; Excavation Activity Tax.

I. Earth and excavations, as defined in this chapter, shall be exempt from taxation as real property under RSA 72:6 and RSA 72:13, provided that such earth and excavations are subject to the excavation tax or the excavation activity tax as provided in this chapter.

II. Earth, as defined in RSA 155-E:1, I, shall be exempt from taxation as real property under RSA 72:6 and RSA 72:13. An excavation tax shall be assessed upon the excavation of earth against an owner as defined in RSA 72-B:2, VIII. Such tax shall be assessed at the rate of \$.02 per cubic yard of earth excavated.

III. Excavations, as defined in RSA 155-E:1, II, shall be exempt from taxation as real property under RSA 72:6 and RSA 72:13, but shall be subject to the excavation activity tax. The owner of real property containing any excavation shall have assessed against such property an excavation activity tax. The excavation activity tax shall be assessed pursuant to RSA 72-B:12, and shall be assessed at a tax rate equal to the real property tax rate imposed under RSA 72:6. The excavation activity tax for those excavations occurring on public lands shall be assessed to the owner or purchaser of the excavation rights.

IV. The following, except as otherwise noted, shall not be subject to the excavation activity tax, the excavation tax, and related fees; however, the following shall be subject to taxation as real property pursuant to RSA 72:6 independent of any earth contained therein:

(a) An excavation that has been reclaimed and approved by the regulator to be in compliance with local reclamation standards and ordinances.

(b) An excavation area that is exposed rock ledge not subject to reclamation under RSA 155-E:5, I and III or RSA 155-E:5-a and has not been excavated during the preceding tax year.

(c) An excavation that has ceased commercially useful operation prior to August 24, 1977, as set forth in RSA 155-E:2, II(c).

(d) Permitted areas, or areas not requiring permits, that have not been excavated and remain undisturbed.

(e) Areas that are ancillary to the excavation.

(f) Any excavation of earth from a parcel of land that is put back on the parcel, or other parcel that is contiguous and in common ownership, in the construction, reclamation, reconstruction, or alteration of such parcel of land within the same tax year.

(g) Any excavation of earth that is used exclusively for agricultural or forest management by the owner of the land within the state of New Hampshire.

(h) Any excavation upon a parcel of land which does not exceed 1,000 cubic yards within any tax year; however, the owner of such excavation shall be subject to the excavation activity tax, shall be required to file a notice of intent to excavate pursuant to RSA 72-B:8, but such owner shall not be subject to the enforcement fee under RSA 72-B:16 and such parcel shall not be subject to the excavation tax lien under RSA 72-B:7, I.

(i) Any excavation which is solely necessary to construct a foundation, septic disposal system, or which is incidental to other construction projects and does not result in the removal from the parcel of more than 1,000 cubic yards of earth within the tax year.

3 Definitions. RSA 72-B:2 is repealed and reenacted to read as follows:

72-B:2 Definitions. In this chapter:

**I. "Ancillary to the excavation" means areas related to the excavation, including, but not limited to, offices; scale buildings; manufacturing plants; preparation plants; together with storage areas; settling ponds; haulage ways; and roadways.**

**II. "Assessing officials" means those charged by law with the duty of assessing taxes in the city, town, or unincorporated place.**

**III. "Commissioner" means the commissioner of the department of revenue administration.**

**IV. "Department" means the department of revenue administration.**

**V. "Earth" means earth as defined in RSA 155-E:1, I.**

**VI. "Excavating" means extracting earth from its state of natural repose.**

**VII. "Excavation" means excavation as defined in RSA 155-E:1, II.**

**VIII. Owner means:**

(a) Any person who owns the land upon which earth is excavated;

(b) A previous owner who retains earth excavation rights to the land, or any person who has purchased earth excavation rights, and has registered a claim with the registry of deeds; or

(c) Any person who has purchased excavated earth or excavation rights on public lands, or removes earth from a public right-of-way.

**IX. "Reclaimed" means the reclamation of the excavated area, unless alternate plans for other uses or reclamation are approved by the regulator.**

**X. "Regulator" means regulator as defined in RSA 155-E:1, III.**

**XI. "Tax year" means April 1 of any year to March 31 of the next year, inclusive.**

4 Assessment of the Excavation Tax and the Excavation Activity Tax. Amend RSA 72-B:4 to read as follows:

72-B:4 Assessment *of the Excavation Tax and the Excavation Activity Tax.*

**I.** The excavation tax shall be assessed [~~at the time of excavation~~] by the local assessing officials within 30 days after receipt of a report of excavated material *form* by such officials in the municipality in which the operation took place. Interest as provided in RSA 72-B:6 shall be charged 30 days after the bills are mailed by the tax collector, on any tax which is due and payable and which remains unpaid.

**II.** The excavation activity tax shall be assessed to the owner, as defined in RSA 72-B:2, using the same schedule applicable in the municipality to the billing of real property tax. The excavation activity tax shall be deemed to be assessed upon April 1 of the tax year. The assessing officials shall commit a warrant for the excavation activity tax to the tax collector. Interest as provided in RSA 72-B:6 shall be charged 30 days after the bills are mailed by the tax collector, on any tax which is due and payable and which remains unpaid.

5 Bond. Amend RSA 72-B:5 to read as follows:

72-B:5 Bond.

I. If an owner does not own land in the town where such owner intends to excavate and has filed an intent to excavate form with respect to any parcel of land, the assessing officials shall, within 30 days of the receipt of that filing, notify the owner in writing of the amount and conditions of any bond or other security deemed necessary to secure the payment of the excavation tax to be due from the operation described in the notice of intent to excavate. *The owner shall provide the bond within 30 days of notice or be guilty of a misdemeanor. No owner who owns land in the town where the owner intends to excavate shall be required to post a bond or other security as a condition for filing an intent to excavate or receiving a permit to excavate, unless the owner is delinquent on town timber taxes, excavation activity taxes, or property taxes.*

II. *If an owner does not own land in the town where the owner has excavation rights, the assessing officials shall notify the owner in writing of the amount and conditions of any bond or other security deemed necessary to secure the payment of the excavation activity tax. The owner shall provide the bond within 30 days of notice or be guilty of a misdemeanor. No owner who owns land in the town where the owner intends to excavate shall be required to post a bond or other security as a condition for filing an intent to excavate or receiving a permit to excavate, unless the owner is delinquent on town timber taxes, excavation taxes, or property taxes.*

[H:] III. If an owner ceases to own land in the town where such owner is excavating after filing an intent to excavate form, such owner shall notify the assessing officials in writing of the change in ownership within 15 days of such change. An owner who neglects to so notify the assessing official shall be guilty of a misdemeanor.

[HH:] IV. ~~If any [owner or any other] person [who] commences [an excavation operation] excavating or [who] continues [an excavation operation] excavating without first furnishing a bond or other securities [as deemed necessary] required to secure payment of taxes by the assessing officials, such person and the owner of such land shall each be guilty of a misdemeanor.~~

6 Lien. Amend RSA 72-B:7 to read as follows:

72-B:7 Lien. Unless a bond or other security is required pursuant to RSA 72-B:5[~~all excavation~~]:

I. ~~Excavation tax assessments levied under RSA 72-B:4 shall, on the date the [excavation] excavating commences, create a lien upon the land on account of which it is made and against the owner of record of such land. [Furthermore, such liens shall continue for a period of 18 months following the date of assessment by the local assessing officials. All excavation tax assessments shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80:]~~

II. ~~Excavation activity tax assessments levied under RSA 72-B:12 shall, on April 1, create a lien upon the land on account of which it is made and against the owner of record of such land.~~

III. ~~Liens created under RSA 72-B:7, I and II shall continue for a period of 18 months following the date of assessment by the local assessing officials. All excavation tax and excavation activity tax assessments shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80.~~

7 Notice of Intent to Excavate. Amend RSA 72-B:8 to read as follows:

72-B:8 Notice of Intent to Excavate. Every owner, *as defined in RSA 72-B:2, VIII*, who intends to excavate earth shall, at the beginning of each tax year and prior to ~~[commencing each excavation] excavating [operation]~~, file with the proper assessing officials in the city ~~[or]~~, town, *or unincorporated place* where such excavating is to take place a notice of intent to excavate as provided by the commissioner, stating ~~[such]~~ *the owner's name; type of ownership; residence; [social security number] telephone number; tax map, block, and lot number; the town, city, or [unorganized] unincorporated place where the [operation] excavating will take place; an estimate of the volume of earth to be excavated; an estimate of the type of earth to be excavated; and such other information as may be [required in compliance with all local ordinances] necessary to locate, identify, verify, and determine the full extent of the excavation and extent of compliance with RSA 155-E and RSA 485-A:17. A separate intent shall be filed for each separate tract of land as identified by the municipal tax maps. If the excavation is located in more than one municipality, a separate intent to excavate shall be filed with each municipality.* A supplemental notice of intent to excavate shall be filed in the same manner ~~[for]~~ *stating* any additional volume of earth to be excavated in excess of the original estimate within the same tax year. The assessing officials shall, within 30 days of signing a notice of intent to excavate, notify the tax collector that an intent to

excavate has been filed. *The assessing officials may decline to sign an intent to excavate for noncompliance by the owner with applicable requirements of RSA 72-B:5 relative to bonding, RSA 155-E relative to local regulation excavations, RSA 485-A:17 relative to terrain alterations or RSA 79-A relative to current use.* The notice of intent to excavate shall serve as notice that the land is subject to a tax lien pursuant to RSA 72-B:7. The appropriate copies of all intents to excavate received by a city, town, or ~~unorganized~~ **unincorporated** place shall within 30 days be forwarded to the commissioner by the assessing officials. Upon receipt of an original intent to excavate, the commissioner shall assign an operation number and furnish to the owner a certificate to excavate and report of excavated material form. ~~[Such]~~ **Each** certificate shall be posted by the owner filing such intent to excavate in a conspicuous place within the area of ~~[excavation for each operation conducted within a city, town, or unorganized place]~~ **excavating**. ~~[Starting an operation]~~ **Excavating** before the appropriate notice of intent to excavate has been filed with the city, town, or unincorporated place and signed by the appropriate municipal officials shall constitute a violation by the owner or any other person doing the excavation, or both. Failure to post the certificate on the job in a conspicuous place upon receipt shall constitute a violation, and failure of the assessing officials to forward the appropriate copies of the intent to excavate to the department within 30 days after receipt shall constitute a violation.

8 New Section; Supplemental Notice of Intent to Excavate. Amend RSA 72-B by inserting after section 8 the following new section:

72-B:8-a Supplemental Notice of Intent to Excavate. Every owner who has filed a notice of intent to excavate under RSA 72-B:8 shall file a supplemental notice of intent to excavate for the amount of earth which exceeds the original amount of earth estimated. If the owner originally stated an estimate of 1,000 yards or less and was exempted from the \$100 enforcement fee, the owner shall provide the \$100 enforcement fee with the supplemental intent to excavate. If the owner paid the \$100 enforcement fee with the original intent to excavate, no additional fee is required for the supplemental intent. Failure to file a supplemental intent and failure to provide the required enforcement fee shall constitute a violation by the owner or any other person doing the excavation, or both.

9 Report of Excavated Material. Amend RSA 72-B:9 to read as follows:

72-B:9 Report of Excavated Material. Every owner who has filed a notice of intent to excavate as provided in RSA 72-B:8 shall ~~make~~ **sign** under the penalties of perjury and file with the assessing officials a report of all excavated material for each intent to excavate filed. The report shall be upon a form provided by the commissioner, with 2 copies to be sent to the commissioner. If no earth was excavated **during the tax year**, then the report of excavated material shall be returned stating so. If ~~[an excavation operation finishes]~~ **excavating is completed** during the tax year, the owner ~~[may]~~ **shall** file the report of excavated material ~~[at the completion of the operation, and the assessing officials shall make an assessment within 30 days after receipt of the report of excavation form]~~ **no later than 30 days following the completion of the excavating. The assessing officials shall make an assessment of the excavation tax within 30 days after receipt of the report of excavated material form.** The report of excavated material ~~[forms]~~ **form** shall contain the owner's name, **telephone number**, residence, ~~[social security number;]~~ **tax map, block, and lot number, the town, city or unincorporated place where the excavation occurred**, the volume and type of earth in cubic yards, and such other information as may be necessary to locate, identify, verify, and determine the full extent of excavation, **reclamation, and extent of compliance with either RSA 155-E or RSA 485-A:17**, for which ~~[the]~~ **each** report is filed. ~~[A]~~ **The** report of excavated material ~~[covering] form pertaining to [an operation]~~ **excavating** still in progress through March 31 of any year shall be filed no later than **the following** April 15 ~~[of said year]~~ for all earth excavated during the tax year up to and including March 31. The report shall be accompanied by an estimate of the size of the ~~[pit]~~ **excavation** area as it existed at the end of the tax year, or in the alternative, a statement that the size of the ~~[pit]~~ **excavation** area has not changed since the prior tax year. A person who fails to file a report of excavated material with the proper assessing officials or to send copies of the report as required in this section to the commissioner shall be guilty of a misdemeanor. Any owner who falsifies a report of excavated material form shall be guilty of a misdemeanor.

10 Doomage. Amend RSA 72-B:10 to read as follows:

72-B:10 Doomage. If an owner neglects or fails to file a report of excavated material form pursuant to RSA 72-B:9, unless the time is extended by the assessing officials because of accident, mistake, or misfortune to a date not later than the following May 1, or willfully makes any false

statement in the notice of intent to excavate, or willfully files a report of excavated material that does not contain a true and correct statement of the amount of earth excavated, or has willfully omitted to give any information required by the report of excavated material form, the assessing officials shall ascertain, in such way as they may be able and as nearly as practicable, the volume of ~~[excavation]~~ **earth** for which such owner should have been taxed and shall assess to such owner, by way of doomsage 2 times as much as such ~~[excavation]~~ **earth** would have been taxed had such form been seasonably filed and truly reported. Such doomsage shall be collected by the tax collector in the usual manner and paid over to the town or city treasurer for use of the town or city, or, in the case of ~~[a unorganized]~~ **an unincorporated** place, shall be collected by the county commissioners and paid over to the county treasurer for use of the county.

11 Disposition of the Excavation Tax and Excavation Activity Tax. Amend RSA 72-B:11 to read as follows:

72-B:11 Disposition of the Excavation Tax *and Excavation Activity Tax*.

I. The excavation tax, *and the excavation activity tax*, collected in the incorporated towns and cities under RSA 72-B:4 shall be paid by the tax collectors into their respective treasuries for the general use of the city or town.

II. The taxes assessed under RSA 72-B:4 in any unincorporated ~~[town or unorganized]~~ place shall be collected by the county commissioners of the county in which the ~~[town or]~~ place is located and paid by them to the county treasurer. The county commissioners shall have the same powers in collecting the taxes as provided under RSA 80 and RSA 81. All taxes collected by the counties under RSA 72-B:4 shall be credited to the unincorporated ~~[towns and unorganized places]~~ **place** from which the excavation tax *and the excavation activity tax* was collected and shall be used against the unincorporated ~~[town's or unorganized]~~ place's share for the county tax for the ensuing year.

12 Taxation of Excavation Activity. Amend RSA 72-B:12 to read as follows:

72-B:12 Taxation of Excavation Activity. The excavation activity tax imposed under RSA 72-B:1, III shall be administered as follows:

I. The ~~[pit] area~~, ~~as defined in RSA 72-B:2,~~ *constituting an excavation subject to the excavation activity tax* shall be determined as of April 1 each year. The owner ~~[or excavator]~~ shall furnish to the ~~[local]~~ assessing officials *for the jurisdiction in which the excavation is located* such information as ~~[they]~~ *the assessing officials* may require to ~~[make such determination]~~ *determine the area constituting a taxable excavation*.

II. The ~~[amount of the excavation activity tax shall be determined by the local assessing officials, by considering a hypothetical owner of land, located in the vicinity of the excavation, but which was devoted to an intense commercial or industrial use, and determining the amount such hypothetical owner would pay in real estate taxes during that tax year upon an area of such land equivalent in size to the pit area, exclusive of any tax amount attributable to buildings or other structures. In making this determination, the assessing officials may take into consideration the land portion of assessments actually assigned to other properties in that municipality devoted to commercial or industrial uses, but shall not consider the value of the earth located upon, or excavated from, the excavation site]~~ *area of any excavation subject to the excavation activity tax shall be appraised as if it contained no earth, as defined in RSA 72-B:2, V.*

III. *For purposes of administering the excavation activity tax, the excavation shall be assessed as if it were an equal size parcel devoted to a comparable industrial use located in a comparable location within the taxing jurisdiction; provided that if the excavation is a quarry, the vertical faces of the excavation shall be assessed as if horizontally level, pursuant to rules adopted by the commissioner under RSA 541-A. If there is no such comparable property within the taxing jurisdiction, such area shall be assessed using the nearest comparable property within a comparable taxing jurisdiction. For purposes of such calculations, the assessing officials shall take into consideration the land portion of assessments actually assigned to such comparable parcels and shall not include the value of any buildings or other improvements when making such comparisons. [The excavation activity tax shall be billed to the owner, as defined in RSA 72-B:2, using the same schedule applicable in that municipality to the billing of real estate taxes. Such tax shall be deemed to be assessed upon April 1 of the tax year, and shall create a lien against the real estate, which shall continue for 18 months thereafter. All such taxes shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80:]*

13 New Section; Excavation Activity Tax Appeal and Abatement. Amend RSA 72-B by inserting after section 12 the following new section:

72-B:12-a Excavation Activity Tax Appeal and Abatement.

I. Any person aggrieved by the assessment of an excavation activity tax shall follow the process provided in RSA 76:16, RSA 76:16-a, and RSA 76:17.

II. Each excavation activity tax assessment bill must be the subject of a separate abatement request and appeal.

14 Excavation Tax Appeal and Abatement. Amend the section heading of RSA 72-B:13 to read as follows:

72-B:13 *Excavation Tax* Appeal and Abatement.

15 Excavation Tax Appeals Board. Amend the section heading of RSA 72-B:14 to read as follows:

72-B:14 *Excavation Tax* Appeals Board.

16 Excavation Tax Appeals Board Procedure. Amend the section heading of RSA 72-B:15 to read as follows:

72-B:15 *Excavation Tax* Appeals Board Procedure.

17 Enforcement. Amend RSA 72-B:17 to read as follows:

72-B:17 Enforcement.

I. The department shall administer and enforce this chapter, be responsible for educating municipal officials regarding the chapter, and have enforcement authority in regard to the proper filing of the [~~permit~~] *intent* to excavate form under RSA 72-B:8, authority to check on the volumes turned in on the report of excavated [~~materials~~] *material* form under RSA 72-B:9, the authority to issue cease and desist orders *for violations under RSA 72-B*, [~~the authority to monitor the operational and reclamation standards contained in RSA 155-E:4-a, 5 and 5-a,~~] and the authority to rescind the [~~certificate issued~~] *intent to excavate form and certificate* pursuant to RSA 72-B:8 of any excavation in violation of [~~such standards~~] *RSA 72-B*. The department shall otherwise assist the towns, cities, and [~~unorganized~~] *unincorporated* places in the enforcement of this chapter. It is the intent of this section to authorize the commissioner and the commissioner's agents to have enforcement authority and the right to stop any [~~operation~~] *excavation* in violation of RSA 72-B and to report the same to local authorities. Any person failing to comply with a cease and desist order issued under this section shall be guilty of a misdemeanor.

II. [~~Officials~~] *The commissioner's agents* responsible for the enforcement of this chapter *have the authority to advise and assist municipalities in regard to RSA 155-E and RSA 485-A:17, may report potential violations of RSA 155-E and RSA 485-A:17 to local and state officials, and may enter upon any lands for which [a permit] an intent to excavate or a certificate to operate has been issued pursuant to RSA 72-B. [They also] The commissioner's agents may enter upon any lands that they believe may have an excavation in violation of RSA 72-B for the purpose of collecting information that may be necessary to the purpose of this chapter, and no owner of such land shall refuse to admit the enforcement agents. The commissioner's agents may review any records in conjunction with any [gravel or mining operation] excavation in the state.*

18 Mines, Sand, Gravel, Loam, or Other Similar Substances. Amend RSA 72:13 to read as follows:

72:13 Mines, Sand, Gravel, Loam, or Other Similar Substances. Real estate shall be taxed independently of any mines or ores contained therein until such mines or ores shall become a source of profit, and independently of any sand, gravel, loam, or other similar substances contained therein until any of them shall become a source of profit; except when such mines, ores, sand, gravel, loam, or other similar substances, or rights therein are owned by some person other than the one to whom such real estate is taxed, in which case they shall be taxed as real estate to such other person. *This section shall not apply to real estate containing earth, as that term is defined in RSA 155-E:1, I. Earth and the real property constituting the area from which earth is being excavated shall be taxed exclusively under RSA 72-B.*

19 Repeal. RSA 72-B:3, relative to release from taxes, is repealed.

20 Effective Date.

I. RSA 72-B:1, IV(h), as inserted by section 2 of this act, shall take effect April 1, 2000.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill:

I. Clarifies the intent and procedures for taxation of excavations.

II. Creates exemptions to the excavation activity tax, excavation tax, and related fees.

III. Allows the creation of liens by excavation activity tax assessments levied on such assessed property.

IV. Allows enforcement agents to report potential violations of certain excavation and terrain alteration laws to local and state officials. Such agents may also enter land believed to have excavation violations to collect information.

V. Requires the filing of a supplemental notice of intent to excavate if the original estimate of amount of earth to be excavated is exceeded.

Adopted.

Report adopted and ordered to third reading.

**HB 676-FN-A**, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT** Rep. Jeffrey C. MacGillivray for Finance: This bill establishes 6 new motor vehicle inspectors for enforcement duties related to the inspection process, including inspection station auditing and investigation, rejected vehicle follow-up, and sticker monitoring. These positions are necessary to carry out part of the agreement made with U.S. EPA last year, to inspect vehicles for the presence of emission control equipment instead of automobile tailpipe emission testing. The bill increases the fee per inspection sticker paid by inspection stations from \$1.25 to \$1.50, increasing state highway fund revenue by \$320,000 per year (of which \$38,000 will be used to increase distributions to cities and towns).

In addition to clarifying the duties and rights of the 6 new inspectors, the committee amendment places the new inspectors in retirement Group I, like many other state inspectors. This reduces the appropriation for these inspectors to \$311,290 in the first year and \$195,266 in the second year (decreases of about \$120,000 and \$80,000). Vote 26-0.

#### Amendment (1211h)

Amend RSA 266:1-a, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of safety shall establish a force of motor vehicle inspectors to assist the director in enforcing the motor vehicle inspection laws and rules. A motor vehicle inspector appointed by the commissioner pursuant to this section shall be totally dedicated to enforcement duties related to the inspection process, including inspection station auditing, investigation of alleged inspection station malfeasance, rejected vehicle follow-up, and sticker monitoring. A motor vehicle inspector appointed under this section shall have the authority to enter any motor vehicle inspection station authorized under RSA 266:1, during the station's business hours, to fulfill his or her duties.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sums of \$311,290 for the fiscal year ending June 30, 2000 and \$195,266 for the fiscal year ending June 30, 2001, are hereby appropriated to the department of safety for the purpose of hiring 6 motor vehicle inspectors to enforce the motor vehicle inspection laws and rules, as provided in section 1 of this act. Said appropriations shall be a charge against the highway fund.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 New Subparagraph; Motor Vehicle Inspectors Excluded from Group II Classification. Amend RSA 100-A:1, VII-a by inserting after subparagraph (c) the following new subparagraph:

(d) Any motor vehicle inspector appointed pursuant to RSA 266:1-a.

Adopted.

Rep. Gilman requested a roll call; sufficiently seconded.

The question being the adoption of the report.



**YEAS 239 NAYS 103****YEAS 239****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph  
Wood, Jane

Boyce, Robert  
Millham, Alida  
Salatiello, Thomas

Czech, Stanley  
Pilliod, James  
Turner, Robert

Holbrook, Robert  
Rice, Thomas  
Wendelboe, Francine

**CARROLL**

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

Lyman, L Randy  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Doucette, Richard  
Manning, Joseph  
Pratt, John  
Royce, H Charles

Batchelder, Robert  
Hunt, John  
Meador, David  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Lerandeau, Alfred  
Mitchell, McKim  
Roberts, William  
Smith, Edwin

DePecol, Benjamin  
Lynch, Margaret  
Pratt, Irene  
Robertson, Timothy  
Zerba, Roger

**COOS**

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Tholl, John, Jr

Hawkinson, Marie

Horton, Lynn

**GRAFTON**

Alger, John  
Eaton, Stephanie  
MacNeil, Allen

Almy, Susan  
Guest, Robert  
Marshall, Gene

Copenhaver, Marion  
Harmon, Hobart  
Picconi, Al

Densmore, Jessica  
Johnson, Gary  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Batula, Peter  
Brundige, Robert  
Calawa, Leon, Jr  
Cote, Peter  
Dawe, Eileen  
Durham, Susan  
Flora, Kathleen  
Gagnon, Paul  
Goulet, Maurice  
Hansen, Herbert  
Kurk, Neal  
Leishman, Peter  
MacGillivray, Jeffrey  
Melcher, Harold  
Milligan, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve

Alukonis, David  
Belvin, William  
Bruno, Pierre  
Carlson, Donald  
Craig, James  
Desmarais, Vivian  
Dyer, Merton  
Foster, Linda  
Garrish, Linda  
Haettenschwiller, Alphonse  
Holley, Sylvia  
L'Heureux, Robert  
Lessard, Rudy  
Martel, Andre  
Mendenhall, Leslie  
Moran, Edward  
O'Hearn, Jane  
Reeves, Sandra  
Simon, Anthony  
White, Donald

Andrews, Frederick  
Bergeron, Lucien  
Buckley, Raymond  
Chabot, Robert  
Curran, James  
Dokmo, Cynthia  
Emerton, Lawrence  
Franks, Suzan  
Ginsburg, Ruth  
Haley, Robert  
Johnson, Lionel  
LaRose, Richard  
Lozeau, DonnaLee  
McCarthy, William  
Mercer, Robert  
Moriarty, Mary  
Ouellette, Dean  
Reidy, Frank  
Thulander, O Alan  
Withee, Dennis

Arnold, Thomas, Jr  
Bergin, Peter  
Burkush, James  
Christiansen, Lars  
Daigle, Robert  
Drabinowicz, A  
Fields, Dennis  
Gagnon, Eugene  
Goley, Jeffrey  
Hall, Betty  
Konys, Christine  
Lasky, Bette  
Lynde, Harold  
McCarty, Winston  
Messier, Irene  
Mosher, William  
Pepino, Leo  
Rowe, Robert  
Turgeon, Roland

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
French, Barbara  
Lockwood, Priscilla

Asplund, Bronwyn  
Daneault, Gabriel  
Hess, David  
Marshall, Kenneth

Brewster, Richard  
Davis, Francis  
Jacobson, Alf  
Moore, Carol

Chase, George  
Fortnam, Janet  
Leber, William  
Nichols, Avis

Owen, Derek  
 Rodd, Beth  
 Wallner, Mary Jane

Potter, Frances  
 Seldin, Gloria  
 Whalley, Michael

Poulin, Dave  
 St Cyr, Gerard  
 Whittemore, James

Reardon, Tara  
 Wallin, Jean  
 Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
 Cooney, Richard  
 Dowling, Patricia  
 Gleason, John  
 Hutchinson, Rebecca  
 Kelley, Jane  
 Letourneau, Robert  
 Norelli, Terie  
 Quandt, Marshall  
 Shultis, Elizabeth  
 Varrell, Thomas  
 Whittier, John

Arndt, Janet  
 Cox, Russell  
 Downing, Michael  
 Griffin, Mary  
 Johnson, Robert  
 Kobel, Rudolph  
 Lovejoy, Marian  
 O'Keefe, Patricia  
 Ruffner, Walter  
 Stone, Joseph  
 Vaughn, Charles

Belanger, Ronald  
 Dalrymple, Janeen  
 Flanagan, Natalie  
 Hamel, Albert  
 Katsakiores, George  
 Langley, Jane  
 McKinney, Betsy  
 O'Neil, Michael  
 Schanda, Frank  
 Stritch, C Donald  
 Weare, Everett

Clark, Vivian  
 DiFruscia, Anthony  
 Francoeur, Sheila  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Langone, John  
 Morse, Charles  
 Priestley, Anne  
 Shelton, Richard  
 Tufts, J Arthur  
 Weyler, Kenneth

### STRAFFORD

Berube, Roger  
 Dunlap, Patricia  
 Heon, Richard  
 McKinley, Robert  
 Snyder, Clair  
 Wall, Janet

Callaghan, Frank  
 Estabrook, Iris  
 Johnson, Nancy  
 Musler, George  
 Spang, Judith  
 Woods, Phyllis

Cossette, Larry  
 Gilmore, Gary  
 Knowles, William  
 Rogers, Rose Marie  
 Spear, Barbara

Domingo, Baldwin  
 Grassie, Anne  
 Lundborn, Raymond  
 Smith, Marjorie  
 Torr, Franklin

### SULLIVAN

Allison, David  
 Jones, Constance

Burling, Peter  
 Robb-Theroux, Amy

Cloutier, John

Donovan, Thomas, Jr

### NAYS 103

### BELKNAP

Lawton, David

### CARROLL

Babson, David, Jr

Kenney, Joseph

Sullivan, P Judith

### CHESHIRE

Blaisdell, Michael  
 Rose, William

Lynott, Margaret

McGuirk, Paul

Riley, William

### COOS

Landers, Dana

Merrill, Gerald

Pratt, Leighton

Rodrigue, Robert

### GRAFTON

Cobb, John  
 Hinman, Harry  
 Weber, Phil

Dudley, Terri  
 Mirski, Paul

Gilman, G Michael  
 Phinney, William

Hall, David  
 Scanlan, David

### HILLSBOROUGH

Clegg, Robert, Jr  
 Dalianis, Griffin  
 Fenton, James  
 Herman, Richard  
 Martin, Mary  
 Pappas, Marc  
 White, John

Clemons, Jane  
 Daniels, Gary  
 Fletcher, Richard  
 Jean, Loren  
 McDonald, James, Sr  
 Sarette, John  
 Williams, Carol

Cote, David  
 Desrosiers, William  
 Gorman, Mary  
 Keye, Harvey  
 McGough, Tim  
 Tate, Joan

Coughlin, Pamela  
 Dwyer, Paul, Sr  
 Herman, Keith  
 Lefebvre, Roland  
 McRae, Karen  
 Wall, Nancy

**MERRIMACK**

Bouchard, Candace	Feuerstein, Martin	Fraser, Marilyn	Gile, Mary
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Marple, Richard	Maxfield, Roy	Soltani, Tony
Virtue, Carolyn			

**ROCKINGHAM**

Beaulieu, Jon	Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell
Christie, Andrew, Jr	Corbin, C David	Dearborn, Bruce	Dolan, Richard
Dunham, Vivian	Fesh, Robert	Flanders, John, Sr	Hutchinson, Karen
Kane, Cecelia	Mikowski, Walter	Moore, Benjamin	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed, II	Raynowska, Bernard
Reardon, Neil	Sapareto, Frank	Splaine, James	Stickney, Nancy
Weatherspoon, Jackie	Welch, David		

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Brown, Julie
DeChane, Marlene	Keans, Sandra	Lent, Donald	Pelletier, Arthur
Rollo, Michael	Tsiros, William	Twardus, Joseph	

**SULLIVAN**

Kibbey, David	Leone, Richard	Phinizy, James	Tuthill, John
Wiggins, Celestine			

and the report was adopted.  
Ordered to third reading.

**HB 692-FN-A**, adopting a single sales factor method of apportionment under the business profits tax. RE-REFER TO COMMITTEE

Rep. Jean R. Wallin for Finance: It is entirely possible that business activity in New Hampshire would be enhanced by adoption of the single sales factor method of apportioning the business profits tax. However, we have already increased not only the business profits tax, but also the business enterprise tax. At this moment we are unable to totally calculate the consequences of these changes. The Finance Committee prefers to take the conservative route of returning the bill to the committee to monitor the actual effects of both methods of apportionment. The results will be reported to the 2000 session of the House. Vote 24-2.  
Adopted.

**HB 300**, making technical corrections to 1999, HB 117. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Jeffrey C. MacGillivray for the Majority of Finance: HB 300 makes important technical corrections to HB 117.

Section 1 changes the language used to calculate additional weights for pupils who receive free or reduced-price meals. The numbers for state aid in spreadsheets available when HB 117 was agreed to by conferees, adopted by the House and Senate, and signed into law do not conform with the language in HB 117. The conferees have stated that they had agreed to the spreadsheet numbers and that the words should be amended to conform to the data. The committee amendment made an additional conforming change not previously identified.

Sections 2 and 6 make changes to parts of HB 117 so that the policy established by the Legislature that adequate education grants be paid directly to school districts be consistent throughout the bill. Section 8 clarifies that it is the intention of the state to appropriate future funds, when necessary, to reimburse not only municipal hardware and software implementation costs but also administrative costs.

Section 9 provides funding at \$750 per kindergarten pupil for those kindergartens starting in 1998, 1999 and 2000 because they are not yet in the count for education funding. It clarifies that the Springfield town kindergarten will receive \$750 per pupil. The bill also grandfathers in the three existing alternative kindergartens because those pupils are already in the count for HB 117. The cost to the general fund is about \$925,000 per year.

Sections 3 and 7 clarify implementation language. Sections 4 and 5 correct drafting errors. The committee amendment deleted sections 1 and 3 of the original bill, which dealt with cooperative school districts. The committee felt additional time was needed to consider the full ramifications of these sections. Vote 15-8

Rep. Mary Jane Wallner for the Minority of Finance: The minority is convinced that this bill, especially section 2, represents much more than a simple "technical correction." It is in fact a major policy change from HB 117 which was passed on April 29. Note that the language in section 2 strikes out the word "elementary" student. That seemingly innocuous deletion means a great deal in that it reduces the low income weighting for numerous communities. Experts have told us and Department of Education data bears out that high school students are not applying for reduced or free lunches, even though they are entitled to do so. Thus, including them skews the formula and provides less money to the neediest communities.

### Amendment (1406h)

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; "Weighted Pupils." RSA 198:38, VII(d) is repealed and reenacted to read as follows:

(d) Additional weights based on pupils eligible to receive a free or reduced-price meal shall be calculated by multiplying each municipality's elementary average daily membership in residence by the fraction of the district's pupils eligible to receive a free or reduced-price meal multiplied by:

(1) If less than 12 percent of the district's pupils are eligible to receive a free or reduced-price meal, zero.

(2) If at least 12 percent but less than 24 percent of the district's pupils are eligible to receive a free or reduced-price meal, 0.5.

(3) If at least 24 percent of the district's pupils are eligible to receive a free or reduced-price meal, 1.0.

2 Determination of Per Pupil Adequate Education Cost and Adequate Education Grant. Amend RSA 198:40, II and III to read as follows:

II. The weighted average daily membership in residence for each ~~[district]~~ **municipality** shall be calculated by combining the ~~[district's]~~ elementary average daily membership in residence with ~~[its]~~ **the** weighted high school average daily membership in residence, the ~~[district's]~~ average daily membership in residence resulting from educationally disabled children, and the ~~[district's]~~ additional average daily membership in residence resulting from elementary pupils eligible to receive a free or ~~[reduced-priced]~~ **reduced-price** meal. The statewide weighted average daily membership in residence of pupils shall be calculated by combining the weighted average daily membership in residence of each ~~[school district]~~ **municipality** in the state.

III. For each fiscal year, the statewide cost of an adequate education for all pupils shall be calculated by multiplying the average base per pupil cost of an adequate education by the statewide weighted average daily membership in residence of pupils and then adding 70 percent of total statewide ~~[district]~~ transportation costs.

3 New Paragraph; Distribution Schedule of Adequate Education Grant. Amend RSA 198:42 by inserting after paragraph III the following new paragraph:

IV. The governor is authorized to draw a warrant from funds not otherwise appropriated to satisfy the state's obligation under this section.

4 Funding; Adequate Education and Education Financing Commission. Amend RSA 198:49, VII to read as follows:

VII. The commission may request that the legislative facilities committee approve funding for the commission not to exceed ~~[\$300,000]~~ **\$150,000**.

5 Funding; Tax Equity and Efficiency Commission. Amend 1999, 17:55, VIII to read as follows:

VIII. The commission may request that the legislative facilities ~~[commission]~~ **committee** approve funding for the commission not to exceed ~~[\$300,000]~~ **\$150,000**.

6 Special Transition Rules. Amend 1999, 17:52, I to read as follows:

I. For the school year 1999/2000, the adequate education grant determined in RSA ~~[198:42]~~ **198:41** shall be distributed to each ~~[municipality]~~ **school district or, in the case of a dependent school district, to the city**, from the education trust fund in 4 payments as follows:

(a) ~~[On July 1, 1999]~~ **On or before July 15, 1999**, and **on** September 1, 1999, 1/8 the total adequate education grant;

(b) On January 1, 2000 and April 1, 2000, 3/8 the total adequate education grant. The department shall certify the amount of each grant to the state treasurer and direct the payment thereof to the [municipality] *school district or, in the case of a dependent school district, to the city.*

7 New Paragraphs; Special Transition Rules. Amend 1999, 17:52, V to read as follows:

V. Notwithstanding any other provision of law, for any taxpayer required to pay utility property tax directly to the state for deposit in the education trust fund pursuant to RSA 83-F, the selectmen or assessors shall abate the state education property tax amount shown on any tax bill sent to such taxpayer pursuant to RSA 76:11-a, I. *Such abatements shall be exempt from the limitation in RSA 76:6.*

*VI. For the school year ending June 30, 2000, adequate education grant moneys received by a school district pursuant to RSA 198:42 shall not be considered unanticipated funds under RSA 198:20-b. School districts may appropriate additional sums for the school year ending June 30, 2000 in accordance with the provisions of 1999, 2 and RSA 197:3.*

*VII. For purposes of all calculations required by RSA 198:38-48, the department of education shall use the best available data.*

8 Appropriations. Amend 1999, 17:53, VI to read as follows:

VI. It is the intent of the state to appropriate a sum certain to reimburse municipalities for the costs of additional *administration*, hardware and software necessary to implement the provisions of this act.

9 Kindergarten; Alternative Kindergarten Programs.

I. If a school district implements a public kindergarten program in school years 1998-1999 or 1999-2000, the school district maintaining such a kindergarten program shall receive reimbursement for fiscal year 2000 and fiscal year 2001 at the rate of \$750 per pupil.

II. If a school district implements a public kindergarten program in school year 2000-2001, the school district maintaining such a kindergarten program shall receive reimbursement for fiscal year 2001 at the rate of \$750 per pupil.

III. If the town of Springfield continues to maintain, at public expense, a kindergarten program established prior to school year 1998-1999, it shall receive reimbursement for fiscal year 2000 and each fiscal year thereafter at the rate of \$750 per pupil.

IV. Notwithstanding the repeal of RSA 198:15-n by 1999, 17:58, VIII, the alternative kindergarten programs in the towns of Wentworth, Rumney, and Strafford, which were approved prior to such repeal, may continue to operate as approved alternative kindergarten programs under the provisions of RSA 198:15-n which were in effect prior to April 29, 1999.

10 Effective Date. This act shall take effect upon its passage.

Reps. Jacobson, Almy and Hager spoke against.

Rep. MacGillivray spoke in favor and yielded to questions.

Reps. Burling and Lozeau spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

**YEAS 189 NAYS 157**

**YEAS 189**

**BELKNAP**

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine			

**CARROLL**

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

**CHESHIRE**

Avery, Stephen	Hunt, John	Riley, William	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
MacNeil, Allen

Alger, John  
Eaton, Stephanie  
Marshall, Gene

Brothers, Richard  
Gilman, G Michael  
Picconi, Al

Cobb, John  
Harmon, Hobart

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Desmarais, Vivian  
Dyer, Merton  
Fletcher, Richard  
Goulet, Maurice  
Jean, Loren  
LaRose, Richard  
MacGillivray, Jeffrey  
McRae, Karen  
Mosher, William  
Pappas, Marc  
Sarette, John  
Wall, Nancy

Andrews, Frederick  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Desrosiers, William  
Emerton, Lawrence  
Flora, Kathleen  
Hansen, Herbert  
Konys, Christine  
Leishman, Peter  
Martel, Andre  
Mercer, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell  
White, Donald

Arnold, Thomas, Jr  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Dokmo, Cynthia  
Fenton, James  
Gagnon, Eugene  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Reeves, Sandra  
Tate, Joan  
Withee, Dennis

Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Durham, Susan  
Fields, Dennis  
Goley, Jeffrey  
Holley, Sylvia  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Moran, Edward  
Quellette, Dean  
Rowe, Robert  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
Leber, William  
Whalley, Michael

Asplund, Bronwyn  
Langer, Ray  
Nichols, Avis  
Whittemore, James

Hess, David  
Larrabee, David, Sr  
Poulin, Dave

Hoadley, Elizabeth  
Lavoie, Gerard  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Cox, Russell  
Dolan, Richard  
Flanagan, Natalie  
Griffin, Mary  
Johnson, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Packard, Sherman  
Ruffner, Walter  
Stritch, C Donald  
Welch, David

Beaulieu, Jon  
Christie, Andrew, Jr  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John, Sr  
Hamel, Albert  
Katsakiores, George  
Langley, Jane  
Mikowski, Walter  
Priestley, Anne  
Schanda, Frank  
Tufts, J Arthur  
Weyler, Kenneth

Belanger, Ronald  
Clark, Vivian  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Quandt, Marshall  
Stickney, Nancy  
Varrell, Thomas  
Whittier, John

Bishop, Franklin  
Cooney, Richard  
DiFruscia, Anthony  
Dunham, Vivian  
Gleason, John  
Hutchinson, Karen  
Kelley, Jane  
Lovejoy, Marian  
O'Neil, Michael  
Reardon, Neil  
Stone, Joseph  
Weare, Everett  
Zolla, William

**STRAFFORD**

Cossette, Larry  
Musler, George  
Woods, Phyllis

Grassie, Anne  
Spear, Barbara

Knowles, William  
Torr, Franklin

McKinley, Robert  
Tsaros, William

**SULLIVAN**

Burling, Peter

Jones, Constance

Kibbey, David

Leone, Richard

**NAYS 157****BELKNAP**

Salatiello, Thomas

Wood, Jane

**CARROLL**

Howard, Godfrey

**CHESHIRE**

Batchelder, Robert  
 Doucette, Richard  
 Manning, Joseph  
 Pratt, Irene  
 Russell, Ronald

Blaisdell, Michael  
 Lerandeau, Alfred  
 McGuirk, Paul  
 Pratt, John  
 Zerba, Roger

Burnham, Daniel  
 Lynch, Margaret  
 Meader, David  
 Richardson, Barbara

DePecol, Benjamin  
 Lynott, Margaret  
 Mitchell, McKim  
 Robertson, Timothy

**COOS**

Davis, Perley

Hawkinson, Marie

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
 Hall, David  
 Phinney, William

Copenhaver, Marion  
 Hinman, Harry  
 Scanlan, David

Densmore, Jessica  
 Johnson, Gary  
 Solow, Martha

Guest, Robert  
 Mirski, Paul

**HILLSBOROUGH**

Ahern, Richard  
 Burkush, James  
 Craig, James  
 Drabinowicz, A  
 Gagnon, Paul  
 Haettenschwiller, Alphonse  
 Keye, Harvey  
 McCarthy, William  
 Messier, Irene  
 Simon, Anthony  
 Williams, Carol

Baroody, Benjamin  
 Clemons, Jane  
 Curran, James  
 Dwyer, Paul, Sr  
 Garrish, Linda  
 Hall, Betty  
 Lasky, Bette  
 McDonald, James, Sr  
 Moriarty, Mary  
 Turgeon, Roland

Bergeron, Lucien  
 Cote, David  
 Daigle, Robert  
 Foster, Linda  
 Ginsburg, Ruth  
 Herman, Richard  
 Lynde, Harold  
 Melcher, Harold  
 Pepino, Leo  
 Vaillancourt, Steve

Buckley, Raymond  
 Cote, Peter  
 Dawe, Eileen  
 Franks, Suzan  
 Gorman, Mary  
 Johnson, Lionel  
 Martin, Mary  
 Mendenhall, Leslie  
 Reidy, Frank  
 White, John

**MERRIMACK**

Bouchard, Candace  
 Daneault, Gabriel  
 Fraser, Marilyn  
 Jacobson, Alf  
 Moore, Carol  
 Rodd, Beth  
 Wallin, Jean

Brewster, Richard  
 Davis, Francis  
 French, Barbara  
 Lockwood, Priscilla  
 Owen, Derek  
 Seldin, Gloria  
 Wallner, Mary Jane

Chase, George  
 Feuerstein, Martin  
 Gile, Mary  
 Marple, Richard  
 Potter, Frances  
 St Cyr, Gerard  
 Yeaton, Charles

Crosby, Toni  
 Fortnam, Janet  
 Hager, Elizabeth  
 Marshall, Kenneth  
 Reardon, Tara  
 Virtue, Carolyn

**ROCKINGHAM**

Abbott, Dennis  
 Fesh, Robert  
 Norelli, Terie  
 Putnam, Ed, II  
 Shultis, Elizabeth

Blanchard, MaryAnn  
 Hutchinson, Rebecca  
 O'Keefe, Patricia  
 Raynowska, Bernard  
 Splaine, James

Clark, Martha  
 Kane, Cecelia  
 Pantelakos, Laura  
 Sapareto, Frank  
 Vaughn, Charles

Corbin, C David  
 Langan, John  
 Pitts, Jacqueline  
 Shelton, Richard  
 Weatherspoon, Jackie

**STRAFFORD**

Berube, Roger  
 Brown, Julie  
 Dunlap, Patricia  
 Johnson, Nancy

Bickford, David  
 Callaghan, Frank  
 Estabrook, Iris  
 Kaen, Naida

Brennan, William  
 DeChane, Marlene  
 Gilmore, Gary  
 Keans, Sandra

Brown, George  
 Domingo, Baldwin  
 Heon, Richard  
 Lent, Donald

Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

Rogers, Rose Marie  
Spang, Judith

Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Robb-Theroux, Amy

Cloutier, John  
Tuthill, John

Donovan, Thomas, Jr  
Wiggins, Celestine

Phinizy, James

and the amendment was adopted.

The question now being the adoption of the majority report.

Rep. Letourneau requested a roll call; sufficiently seconded.

### YEAS 190 NAYS 156

### YEAS 190

### BELKNAP

Bartlett, Gordon  
Johnson, James  
Rice, Thomas  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Millham, Alida  
Thomas, John

Holbrook, Robert  
Pilliod, James  
Turner, Robert

### CARROLL

Babson, David, Jr  
Kenney, Joseph  
Patten, Betsey

Bradley, Jeb  
Lyman, L Randy  
Philbrick, Donald

Chandler, Gene  
MacDonald, Kenneth  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry

### CHESHIRE

Avery, Stephen  
Rose, William

Hunt, John  
Royce, H Charles

Riley, William  
Smith, Edwin

Roberts, William

### COOS

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Dudley, Terri  
MacNeil, Allen

Alger, John  
Eaton, Stephanie  
Marshall, Gene

Brothers, Richard  
Gilman, G Michael  
Picconi, Al

Cobb, John  
Harmon, Hobart

### HILLSBOROUGH

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Desmarais, Vivian  
Dyer, Merton  
Fletcher, Richard  
Goley, Jeffrey  
Holley, Sylvia  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Moran, Edward  
Ouellette, Dean  
Rowe, Robert  
Thulander, O Alan

Andrews, Frederick  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Desrosiers, William  
Emerton, Lawrence  
Flora, Kathleen  
Goulet, Maurice  
Jean, Loren  
LaRose, Richard  
MacGillivray, Jeffrey  
McRae, Karen  
Mosher, William  
Pappas, Marc  
Sarette, John  
Wall, Nancy

Arnold, Thomas, Jr  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Dokmo, Cynthia  
Fenton, James  
Foster, Linda  
Hansen, Herbert  
Konys, Christine  
Leishman, Peter  
Martel, Andre  
Mercer, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell  
White, Donald

Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Durham, Susan  
Fields, Dennis  
Gagnon, Eugene  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Reeves, Sandra  
Tate, Joan  
Withee, Dennis



**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Hess, David	Hoadley, Elizabeth
Kennedy, Richard	Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard
Leber, William	Nichols, Avis	Poulin, Dave	Soltani, Tony
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Lovejoy, Marian	McKinney, Betsy	Mikowski, Walter	Morse, Charles
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Quandt, Marshall
Reardon, Neil	Ruffner, Walter	Schanda, Frank	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Whittier, John	Zolla, William

**STRAFFORD**

Cossette, Larry	Grassie, Anne	Knowles, William	McKinley, Robert
Musler, George	Spears, Barbara	Torr, Franklin	Tsiros, William
Woods, Phyllis			

**SULLIVAN**

Burling, Peter	Jones, Constance	Kibbey, David	Leone, Richard
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**NAYS 156****BELKNAP**

Salatiello, Thomas	Wood, Jane
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**CARROLL**

Howard, Godfrey

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Russell, Ronald	Zerba, Roger		

**COOS**

Davis, Perley	Hawkinson, Marie	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Hinman, Harry	Johnson, Gary	Mirski, Paul
Phinney, William	Scanlan, David	Solow, Martha	

**HILLSBOROUGH**

Ahern, Richard	Baroody, Benjamin	Bergeron, Lucien	Buckley, Raymond
Burkush, James	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Curran, James	Daigle, Robert	Dawe, Eileen
Drabinowicz, A	Dwyer, Paul, Sr	Franks, Suzan	Gagnon, Paul

Garrish, Linda  
Hall, Betty  
Lasky, Bette  
McDonald, James, Sr  
Moriarty, Mary  
Turgeon, Roland

Ginsburg, Ruth  
Herman, Richard  
Lynde, Harold  
Melcher, Harold  
Pepino, Leo  
Vaillancourt, Steve

Gorman, Mary  
Johnson, Lionel  
Martin, Mary  
Mendenhall, Leslie  
Reidy, Frank  
White, John

Haettenschwiller, Alphonse  
Keye, Harvey  
McCarthy, William  
Messier, Irene  
Simon, Anthony  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Moore, Carol  
Rodd, Beth  
Wallin, Jean

Brewster, Richard  
Davis, Francis  
French, Barbara  
Lockwood, Priscilla  
Owen, Derek  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Marple, Richard  
Potter, Frances  
St Cyr, Gerard  
Yeaton, Charles

Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Marshall, Kenneth  
Reardon, Tara  
Virtue, Carolyn

### ROCKINGHAM

Abbott, Dennis  
Hutchinson, Rebecca  
O'Keefe, Patricia  
Raynowska, Bernard  
Splaine, James

Blanchard, MaryAnn  
Kane, Cecelia  
Pantelakos, Laura  
Sapareto, Frank  
Vaughn, Charles

Clark, Martha  
Langone, John  
Pitts, Jacqueline  
Shelton, Richard  
Weatherspoon, Jackie

Corbin, C David  
Norelli, Terie  
Putnam, Ed, II  
Shultis, Elizabeth  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Bickford, David  
Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Rogers, Rose Marie  
Spang, Judith

Brown, George  
Domingo, Baldwin  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Robb-Theroux, Amy

Cloutier, John  
Tuthill, John

Donovan, Thomas, Jr  
Wiggins, Celestine

Phinizy, James

and the majority report was adopted.  
Ordered to third reading.

**SB 14**, establishing a committee to study the impact of federal welfare reform on the cities and towns of New Hampshire. **OUGHT TO PASS**

Rep. Marion Copenhaver for Health, Human Services and Elderly Affairs: The majority supported the formation of a study committee to look at the impact of federal welfare reform on the cities and towns of New Hampshire. There was some concern by those who voted against it, that welfare recipients might move to New Hampshire to take advantage of our "generous" welfare benefits. Vote 8-7.

Adopted and ordered to third reading.

**SB 22**, relative to the pilot program relative to the administration of medication in residential care facilities. **OUGHT TO PASS**

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: This legislation adds supported residential care facilities to an existing pilot program established in 1998. There are many frail, elderly in the state who require a supervised living environment, but do not require 24-hour skilled nursing services. The pilot program relative to medication administration in residential and supported residential care facilities provides cost effective services to our frail seniors by trained medication aides. Vote 14-0.

Adopted and ordered to third reading.

**CACR 15**, relating to the establishment of an indirect initiative petition process. Providing that proposed laws may be submitted to the legislature by citizen petition. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Gene G. Chandler for the Majority of Legislative Administration: CACR 15 proposes amending the constitution to allow legislation by petition. If adopted, laws could be proposed by a petition signed by 5% of the total popular vote cast in the most recent presidential election. Any law proposed by petition would be enacted or rejected by the General Court without change or amendment within 40 legislative days from the time the petition is received. If the proposed law is not enacted by the legislature, the Secretary of State would submit it to the people for approval or rejection at the next general election. Among other procedures outlined in the bill is the provision that no law adopted by referendum can be vetoed by the Governor nor can the law be amended, repealed or suspended by the legislature for 5 years unless another petition is proposed and all the same steps are followed all over again. Given the size of the House and judging by the number of bills filed every year, it seems that if any citizen of New Hampshire wants a law enacted or changed, they can do so by finding a legislator to file a bill on their behalf. New Hampshire truly has a citizen legislature, and we do not need the extra bureaucracy, not to mention the tremendous expense involved with a referendum style government. Vote 10-4.

Rep. Betty B. Hall for the Minority of Legislative Administration: This CACR has the potential for allowing the people to offer options to the legislature, and the legislature to respond with an alternative from which the voters can choose. The need for such a measure has been front and center in the school-funding debate. This CACR could be a vehicle for similar contingencies in the future. Committee members were preoccupied with the current crisis when this came before us, and not many members were present for the hearing. The minority believes we should study this in more depth after the immediate crises are over. We recommend this CACR be re-referred to the Legislative Administration Committee. An indirect initiative is very different from referendums and direct initiatives and it is not well understood. When an indirect petition for a bill is presented to the legislature with a sufficiently large number of signatures, the legislature can choose one of the following options: (1) It can pass the petitioned bill exactly as presented and then it goes to the Governor for signature and no ballot vote would be necessary; or (2) The bill can be amended and then it will go to the voters as amended by the legislature along with the original petitioned bill. Both measures would be on the ballot at the next general election. If both measures received more than a majority of the votes cast, the one receiving the greatest number would become law; or (3) If either the House or Senate rejected the measure which had been petitioned, then it would go on the ballot with the rejection printed below the original petitioned bill. If passed by a majority, it would become law.

Rep. Cloutier spoke against.

Rep. Chandler spoke in favor.

Rep. Dyer requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 239 NAYS 88

### YEAS 239

#### BELKNAP

Bartlett, Gordon  
Johnson, James  
Rice, Thomas  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Millham, Alida  
Thomas, John

Holbrook, Robert  
Pilliod, James  
Turner, Robert

#### CARROLL

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Sullivan, P Judith

#### CHESHIRE

Avery, Stephen  
Doucette, Richard

Batchelder, Robert  
Hunt, John

Blaisdell, Michael  
Lerandeau, Alfred

DePecol, Benjamin  
Lynch, Margaret

Manning, Joseph  
 Roberts, William  
 Zerba, Roger

McGuirk, Paul  
 Robertson, Timothy

Meador, David  
 Royce, H Charles

Riley, William  
 Smith, Edwin

### COOS

Davis, Perley  
 Merrill, Gerald

Guay, Lawrence  
 Pratt, Leighton

Hawkinson, Marie  
 Tholl, John, Jr

Horton, Lynn

### GRAFTON

Akins, Ralph  
 Dudley, Terri  
 Hinman, Harry  
 Phinney, William

Alger, John  
 Eaton, Stephanie  
 MacNeil, Allen  
 Picconi, Al

Almy, Susan  
 Gilman, G Michael  
 Marshall, Gene  
 Scanlan, David

Cobb, John  
 Hall, David  
 Mirski, Paul  
 Solow, Martha

### HILLSBOROUGH

Ahern, Richard  
 Batula, Peter  
 Bruno, Pierre  
 Christiansen, Lars  
 Curran, James  
 Desmarais, Vivian  
 Dyer, Merton  
 Fletcher, Richard  
 Gagnon, Eugene  
 Holley, Sylvia  
 LaRose, Richard  
 Lessard, Rudy  
 McCarty, Winston  
 Milligan, Robert  
 O'Connell, Timothy  
 Reeves, Sandra  
 Simon, Anthony  
 Withee, Dennis

Alukonis, David  
 Belvin, William  
 Calawa, Leon, Jr  
 Clegg, Robert, Jr  
 Dalianis, Griffin  
 Dokmo, Cynthia  
 Emerton, Lawrence  
 Flora, Kathleen  
 Goulet, Maurice  
 Jean, Loren  
 Lasky, Bette  
 Lozeau, Donnalee  
 McGough, Tim  
 Moran, Edward  
 O'Hearn, Jane  
 Rowe, Robert  
 Tate, Joan

Andrews, Frederick  
 Bergin, Peter  
 Carlson, Donald  
 Cote, David  
 Daniels, Gary  
 Durham, Susan  
 Fenton, James  
 Foster, Linda  
 Hansen, Herbert  
 Kurk, Neal  
 Lefebvre, Roland  
 MacGillivray, Jeffrey  
 McRae, Karen  
 Moriarty, Mary  
 Pappas, Marc  
 Sarette, John  
 Thulander, O Alan

Arnold, Thomas, Jr  
 Brundige, Robert  
 Chabot, Robert  
 Coughlin, Pamela  
 Dawe, Eileen  
 Dwyer, Paul, Sr  
 Fields, Dennis  
 Franks, Suzan  
 Herman, Keith  
 L'Heureux, Robert  
 Leishman, Peter  
 Martel, Andre  
 Mercer, Robert  
 Mosher, William  
 Peterson, Andrew  
 Sargent, Maxwell  
 Wall, Nancy

### MERRIMACK

Anderson, Eric  
 Chase, George  
 Hess, David  
 Larrabee, David, Sr  
 Marshall, Kenneth  
 Virtue, Carolyn

Asplund, Bronwyn  
 Davis, Francis  
 Hoadley, Elizabeth  
 Lavoie, Gerard  
 Nichols, Avis  
 Whalley, Michael

Bouchard, Candace  
 Feuerstein, Martin  
 Kennedy, Richard  
 Leber, William  
 Potter, Frances

Brewster, Richard  
 Hager, Elizabeth  
 Langer, Ray  
 Lockwood, Priscilla  
 Poulin, Dave

### ROCKINGHAM

Abbott, Dennis  
 Bishop, Franklin  
 Cooney, Richard  
 Dearborn, Bruce  
 Downing, Michael  
 Flanders, John, Sr  
 Hamel, Albert  
 Katsakiores, George  
 Langone, John  
 Morse, Charles  
 Putnam, Ed, II  
 Ruffner, Walter  
 Tufts, J Arthur  
 Welch, David

Arndt, Janet  
 Bridle, Russell  
 Corbin, C David  
 DiFrancia, Anthony  
 Dunham, Vivian  
 Francoeur, Sheila  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Lovejoy, Marian  
 Norelli, Terie  
 Quandt, Marshall  
 Sapareto, Frank  
 Varrell, Thomas  
 Weyler, Kenneth

Beaulieu, Jon  
 Christie, Andrew, Jr  
 Cox, Russell  
 Dolan, Richard  
 Fesh, Robert  
 Gleason, John  
 Hutchinson, Karen  
 Kelley, Jane  
 McKinney, Betsy  
 O'Neil, Michael  
 Raynowska, Bernard  
 Stone, Joseph  
 Vaughn, Charles  
 Whittier, John

Belanger, Ronald  
 Clark, Vivian  
 Dalrymple, Janeen  
 Dowling, Patricia  
 Flanagan, Natalie  
 Griffin, Mary  
 Johnson, Robert  
 Kobel, Rudolph  
 Mikowski, Walter  
 Priestley, Anne  
 Reardon, Neil  
 Stritch, C Donald  
 Weare, Everett  
 Zolla, William

**STRAFFORD**

Berube, Roger  
Cossette, Larry  
Grassie, Anne  
Lent, Donald  
Pelletier, Marsha  
Torr, Franklin

Bickford, David  
DeChane, Marlene  
Kaen, Naida  
McKinley, Robert  
Smith, Marjorie  
Tsiros, William

Brown, Julie  
Dunlap, Patricia  
Keans, Sandra  
Musler, George  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Estabrook, Iris  
Knowles, William  
Pelletier, Arthur  
Spear, Barbara  
Woods, Phyllis

**SULLIVAN**

Kibbey, David

Leone, Richard

Robb-Theroux, Amy

**NAYS 88****BELKNAP**

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel  
Richardson, Barbara

Lynott, Margaret  
Rose, William

Mitchell, McKim  
Russell, Ronald

Pratt, John

**COOS**

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Densmore, Jessica

Guest, Robert

Harmon, Hobart

Johnson, Gary

**HILLSBOROUGH**

Baroody, Benjamin  
Clemons, Jane  
Drabinowicz, A  
Goley, Jeffrey  
Johnson, Lionel  
Martin, Mary  
Messier, Irene  
Turgeon, Roland

Bergeron, Lucien  
Cote, Peter  
Gagnon, Paul  
Gorman, Mary  
Keye, Harvey  
McCarthy, William  
Ouellette, Dean  
Vaillancourt, Steve

Buckley, Raymond  
Craig, James  
Garrish, Linda  
Haettenschwiller, Alphonse  
Konys, Christine  
McDonald, James, Sr  
Pepino, Leo  
White, Donald

Burkush, James  
Daigle, Robert  
Ginsburg, Ruth  
Hall, Betty  
Lynde, Harold  
Me'cher, Harold  
Reidy, Frank  
White, John

**MERRIMACK**

Daneault, Gabriel  
Gile, Mary  
St Cyr, Gerard

Fortnam, Janet  
Marple, Richard  
Wallner, Mary Jane

Fraser, Marilyn  
Moore, Carol  
Whittemore, James

French, Barbara  
Owen, Derek  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn  
Langley, Jane  
Schanda, Frank  
Weatherspoon, Jackie

Clark, Martha  
O'Keefe, Patricia  
Shelton, Richard

Hutchinson, Rebecca  
Pantelakos, Laura  
Splaine, James

Kane, Cecelia  
Pitts, Jacqueline  
Stickney, Nancy

**STRAFFORD**

Brennan, William  
Heon, Richard  
Twardus, Joseph

Brown, George  
Jonsson, Nancy

Domingo, Baldwin  
Rogers, Rose Marie

Gilmore, Gary  
Rollo, Michael

**SULLIVAN**

Allison, David  
Jones, Constance

Burling, Peter  
Phinzy, James

Cloutier, John  
Tuthill, John

Donovan, Thomas, Jr  
Wiggins, Celestine

and the majority report was adopted.

**CACR 6**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth S. Hager for Municipal and County Government: The House and Senate, representatives of towns and cities, and interested citizens have been working on this constitutional amendment for several years. Last session a similar CACR passed overwhelmingly in the House but met its demise in the Senate. The Municipal and County Government Committee has been studying this CACR and its companion bill in detail this year and again recommends its passage.

When and if this article becomes part of our constitution, the State will still retain its sovereignty. If this CACR is adopted by the people, our local communities will be allowed to act in their own affairs unless precluded by the state constitution, state statute or common law. Vote 14-3.

### **Amendment (1308h)**

Amend the title of the resolution by replacing it with the following:

**RELATING TO:** municipalities' home rule.

**PROVIDING THAT:** municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law.

Amend the resolution by replacing Article 40 as inserted by paragraph I with the following:

[Art.] 40 [Home Rule Authority Granted.] A municipality may exercise such powers and perform such functions pertaining to its government and affairs which are not prohibited by the state constitution, state statute, or common law. Nothing in this article shall be construed to alter or limit in any way the state's right of preemption over municipal powers and functions.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution to provide that municipalities shall have home rule authority to exercise such powers and perform such functions pertaining to its government and affairs which are not prohibited by the state constitution, state statute, or common law, and that the state shall retain its right of preemption over municipal powers and functions?

### **AMENDED ANALYSIS**

This constitutional amendment-concurrent resolution provides home rule authority to municipalities, so that they may exercise such powers which are not prohibited by the state constitution, state statute, or common law and provides that the state shall retain the right of preemption over municipal powers and functions.

Adopted.

Rep. MacGillivray spoke against and yielded to questions.

Rep. Rice spoke in favor.

Rep. Stone spoke in favor and yielded to questions.

Rep. Stone requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### **YEAS 250 NAYS 78**

#### **YEAS 250**

#### **BELKNAP**

Bartlett, Gordon  
Lawton, David  
Thomas, John

Czech, Stanley  
Millham, Alida  
Wood, Jane

Holbrook, Robert  
Rice, Thomas

Johnson, James  
Rosen, Ralph

#### **CARROLL**

Bradley, Jeb  
Kenney, Joseph

Chandler, Gene  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Howard, Godfrey  
Sullivan, P Judith

#### **CHESHIRE**

Avery, Stephen  
DePecol, Benjamin

Batchelder, Robert  
Doucette, Richard

Blaisdell, Michael  
Hunt, John

Burnham, Daniel  
Lerandau, Alfred

Lynch, Margaret  
Meador, David  
Roberts, William  
Smith, Edwin

Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy  
Zerba, Roger

Manning, Joseph  
Pratt, John  
Rose, William

McGuirk, Paul  
Richardson, Barbara  
Russell, Ronald

## COOS

Davis, Perley  
Merrill, Gerald

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn

Mears, Edgar

## GRAFTON

Alger, John  
Copenhaver, Marion  
Harmon, Hobart  
Marshall, Gene

Almy, Susan  
Densmore, Jessica  
Hinman, Harry  
Phinney, William

Brothers, Richard  
Gilman, G Michael  
Johnson, Gary  
Solow, Martha

Cobb, John  
Guest, Robert  
MacNeil, Allen

## HILLSBOROUGH

Ahern, Richard  
Bergeron, Lucien  
Burkush, James  
Cote, David  
Curran, James  
Desmarais, Vivian  
Fields, Dennis  
Franks, Suzan  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Holley, Sylvia  
L'Heureux, Robert  
Leishman, Peter  
Martel, Andre  
McGough, Tim  
Moran, Edward  
O'Hearn, Jane  
Peterson, Andrew  
Sarette, John  
Turgeon, Roland

Andrews, Frederick  
Bergin, Peter  
Calawa, Leon, Jr  
Cote, Peter  
Daigle, Robert  
Dokmo, Cynthia  
Fletcher, Richard  
Gagnon, Eugene  
Goley, Jeffrey  
Hansen, Herbert  
Johnson, Lionel  
LaRose, Richard  
Lessard, Rudy  
Martin, Mary  
Mercer, Robert  
Moriarty, Mary  
Ouellette, Dean  
Reeves, Sandra  
Sargent, Maxwell  
White, Donald

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Daniels, Gary  
Drabinowicz, A  
Flora, Kathleen  
Gagnon, Paul  
Gorman, Mary  
Herman, Keith  
Keye, Harvey  
Lasky, Bette  
Lozeau, Donnalee  
McCarty, Winston  
Messier, Irene  
Mosher, William  
Pappas, Marc  
Reidy, Frank  
Simon, Anthony  
White, John

Belvin, William  
Buckley, Raymond  
Clemons, Jane  
Craig, James  
Dawe, Eileen  
Durham, Susan  
Foster, Linda  
Garrish, Linda  
Goulet, Maurice  
Herman, Richard  
Konys, Christine  
Lefebvre, Roland  
Lynde, Harold  
McDonald, James, Sr  
Milligan, Robert  
O'Connell, Timothy  
Pepino, Leo  
Rowe, Robert  
Thulander, O Alan  
Withee, Dennis

## MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Moore, Carol  
Poulin, Dave  
Wallner, Mary Jane

Asplund, Bronwyn  
Davis, Francis  
Gile, Mary  
Larrabee, David, Sr  
Nichols, Avis  
Rodd, Beth  
Yeaton, Charles

Bouchard, Candace  
Fortnam, Janet  
Hager, Elizabeth  
Lavoie, Gerard  
Owen, Derek  
St Cyr, Gerard

Chase, George  
Fraser, Marilyn  
Hess, David  
Leber, William  
Potter, Frances  
Virtue, Carolyn

## ROCKINGHAM

Abbott, Dennis  
Clark, Vivian  
Flanders, John, Sr  
Hamel, Albert  
Kane, Cecelia  
Kobel, Rudolph  
Morse, Charles  
Pitts, Jacqueline  
Reardon, Neil

Arndt, Janet  
Dalrymple, Janeen  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, George  
Langley, Jane  
Norelli, Terie  
Priestley, Anne  
Ruffner, Walter

Christie, Andrew, Jr  
Dolan, Richard  
Gleason, John  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langone, John  
O'Keefe, Patricia  
Quandt, Marshall  
Sapareto, Frank

Clark, Martha  
Downing, Michael  
Griffin, Mary  
Johnson, Robert  
Kelley, Jane  
Lovejoy, Marian  
Pantelakos, Laura  
Raynowska, Bernard  
Schanda, Frank

Shelton, Richard  
Stone, Joseph  
Weyler, Kenneth

Shultis, Elizabeth  
Stritch, C Donald  
Whittier, John

Splaine, James  
Weare, Everett  
Zolla, William

Stickney, Nancy  
Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

Bickford, David  
Cossette, Larry  
Gilmore, Gary  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Woods, Phyllis

Brennan, William  
DeChane, Marlene  
Grassie, Anne  
McKinley, Robert  
Rollo, Michael  
Spear, Barbara

Brown, George  
Domingo, Baldwin  
Johnson, Nancy  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

### SULLIVAN

Allison, David  
Jones, Constance  
Tuthill, John

Burling, Peter  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Donovan, Thomas, Jr  
Robb-Theroux, Amy

### NAYS 78

### BELKNAP

Pilliod, James

Turner, Robert

Wendelboe, Francine

### CARROLL

Lyman, L Randy

MacDonald, Kenneth

Mock, Henry

### CHESHIRE

Riley, William

Royce, H Charles

### COOS

Pratt, Leighton

Rodrigue, Robert

### GRAFTON

Akins, Ralph  
Mirski, Paul

Dudley, Terri  
Picconi, Al

Eaton, Stephanie

Hall, David

### HILLSBOROUGH

Alukonis, David  
Carlson, Donald  
Dwyer, Paul, Sr  
Hall, Betty  
McCarthy, William  
Vaillancourt, Steve

Arnold, Thomas, Jr  
Christiansen, Lars  
Dyer, Merton  
Jean, Loren  
McRae, Karen  
Wall, Nancy

Baroody, Benjamin  
Clegg, Robert, Jr  
Emerton, Lawrence  
Kurk, Neal  
Melcher, Harold

Bruno, Pierre  
Dalianis, Griffin  
Fenton, James  
MacGillivray, Jeffrey  
Tate, Joan

### MERRIMACK

Brewster, Richard  
Lockwood, Priscilla  
Whittemore, James

Feuerstein, Martin  
Marple, Richard

Kennedy, Richard  
Marshall, Kenneth

Langer, Ray  
Whalley, Michael

### ROCKINGHAM

Beaulieu, Jon  
Cooney, Richard  
DiFruscia, Anthony  
Flanagan, Natalie  
Mikowski, Walter  
Tufts, J Arthur

Belanger, Ronald  
Corbin, C David  
Dowling, Patricia  
Hutchinson, Karen  
O'Neil, Michael  
Varrell, Thomas

Bishop, Franklin  
Cox, Russell  
Dunham, Vivian  
Letourneau, Robert  
Packard, Sherman  
Welch, David

Blanchard, MaryAnn  
Dearborn, Bruce  
Fesh, Robert  
McKinney, Betsy  
Putnam, Ed, II



**STRAFFORD**

Brown, Julie  
Musler, George

Dunlap, Patricia  
Torr, Franklin

Keans, Sandra  
Tsaros, William

Lent, Donald

**SULLIVAN**

Kibbey, David

and the report was adopted by the constitutionally required three-fifths.

**SUSPENSION OF RULES**

Rep. Chandler moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **CACR 6**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law.

On a division vote, 262 members having voted in the affirmative and 62 in the negative, the motion was adopted by the necessary two-thirds.

**MOTION ON CACR**

Rep. Chandler moved that **CACR 6**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law, be read a third time and passed.

Rep. Hess requested a roll call; sufficiently seconded.

**YEAS 257 NAYS 68**

**YEAS 257**

**BELKNAP**

Bartlett, Gordon  
Lawton, David  
Rosen, Ralph

Czech, Stanley  
Millham, Alida  
Thomas, John

Holbrook, Robert  
Pilliod, James  
Wood, Jane

Johnson, James  
Rice, Thomas

**CARROLL**

Bradley, Jeb  
Kenney, Joseph  
Sullivan, P Judith

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynch, Margaret  
Meador, David  
Roberts, William  
Smith, Edwin

Batchelder, Robert  
Doucette, Richard  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy  
Zerba, Roger

Blaisdell, Michael  
Hunt, John  
Manning, Joseph  
Pratt, John  
Rose, William

Burnham, Daniel  
Lerandeau, Alfred  
McGuirk, Paul  
Richardson, Barbara  
Russell, Ronald

**COOS**

Davis, Perley  
Merrill, Gerald

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

Mears, Edgar  
Tholl, John, Jr

**GRAFTON**

Alger, John  
Copenhaver, Marion  
Guest, Robert  
MacNeil, Allen  
Solow, Martha

Almy, Susan  
Densmore, Jessica  
Harmon, Hobart  
Marshall, Gene

Brothers, Richard  
Eaton, Stephanie  
Hinman, Harry  
Phinney, William

Cobb, John  
Gilman, G Michael  
Johnson, Gary  
Picconi, Al

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Lucien

Andrews, Frederick  
Bergin, Peter

Batula, Peter  
Brundige, Robert

Belvin, William  
Buckley, Raymond

Burkush, James  
 Coughlin, Pamela  
 Dalianis, Griffin  
 Dokmo, Cynthia  
 Fields, Dennis  
 Franks, Suzan  
 Ginsburg, Ruth  
 Haettenschwiller, Alphonse  
 Johnson, Lionel  
 LaRose, Richard  
 Lessard, Rudy  
 Martin, Mary  
 Messier, Irene  
 Mosher, William  
 Pappas, Marc  
 Reidy, Frank  
 Simon, Anthony  
 White, Donald

Calawa, Leon, Jr  
 Craig, James  
 Daniels, Gary  
 Drabinowicz, A  
 Fletcher, Richard  
 Gagnon, Eugene  
 Goley, Jeffrey  
 Hansen, Herbert  
 Keye, Harvey  
 Lasky, Bette  
 Lozeau, Donnalee  
 McCarty, Winston  
 Milligan, Robert  
 O'Connell, Timothy  
 Pepino, Leo  
 Rowe, Robert  
 Tate, Joan  
 White, John

Chabot, Robert  
 Curran, James  
 Dawe, Eileen  
 Durham, Susan  
 Flora, Kathleen  
 Gagnon, Paul  
 Gorman, Mary  
 Herman, Richard  
 Koryns, Christine  
 Lefebvre, Roland  
 Lynde, Harold  
 McGough, Tim  
 Moran, Edward  
 O'Hearn, Jane  
 Peterson, Andrew  
 Sarette, John  
 Thulander, O Alan  
 Withee, Dennis

Cote, Peter  
 Daigle, Robert  
 Desmarais, Vivian  
 Dyer, Merton  
 Foster, Linda  
 Garrish, Linda  
 Goulet, Maurice  
 Holley, Sylvia  
 L'Heureux, Robert  
 Leishman, Peter  
 Martel, Andre  
 Mercer, Robert  
 Moriarty, Mary  
 Ouellette, Dean  
 Reeves, Sandra  
 Sargent, Maxwell  
 Turgeon, Roland

### MERRIMACK

Anderson, Eric  
 Davis, Francis  
 French, Barbara  
 Hoadley, Elizabeth  
 Moore, Carol  
 Poulin, Dave  
 Wallner, Mary Jane

Bouchard, Candace  
 Feuerstein, Martin  
 Gile, Mary  
 Larrabee, David, Sr  
 Nichols, Avis  
 Rodd, Beth  
 Whittemore, James

Chase, George  
 Fortnam, Janet  
 Hager, Elizabeth  
 Lavoie, Gerard  
 Owen, Derek  
 St Cyr, Gerard  
 Yeaton, Charles

Daneault, Gabriel  
 Fraser, Marilyn  
 Hess, David  
 Leber, William  
 Potter, Frances  
 Virtue, Carolyn

### ROCKINGHAM

Abbott, Dennis  
 Clark, Vivian  
 Flanders, John, Sr  
 Hamel, Albert  
 Kane, Cecelia  
 Kobel, Rudolph  
 Morse, Charles  
 Pantelakos, Laura  
 Raynowska, Bernard  
 Shelton, Richard  
 Stone, Joseph  
 Weyler, Kenneth

Arndt, Janet  
 Dalrymple, Janeen  
 Francoeur, Sheila  
 Henderson, Warren  
 Katsakiores, George  
 Langley, Jane  
 Norelli, Terie  
 Pitts, Jacqueline  
 Reardon, Neil  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Whittier, John

Christie, Andrew, Jr  
 Dolan, Richard  
 Gleason, John  
 Hutchinsonson, Rebecca  
 Katsakiores, Phyllis  
 Langone, John  
 O'Keefe, Patricia  
 Priestley, Anne  
 Ruffner, Walter  
 Splaine, James  
 Varrell, Thomas  
 Zolla, William

Clark, Martha  
 Downing, Michael  
 Griffin, Mary  
 Johnson, Robert  
 Kelley, Jane  
 Lovejoy, Marian  
 O'Neil, Michael  
 Quandt, Marshall  
 Schanda, Frank  
 Stickney, Nancy  
 Weare, Everett

### STRAFFORD

Berube, Roger  
 Callaghan, Frank  
 Dunlap, Patricia  
 Johnson, Nancy  
 McKinley, Robert  
 Rollo, Michael  
 Spear, Barbara

Bickford, David  
 Cossette, Larry  
 Estabrook, Iris  
 Kaen, Naida  
 Pelletier, Arthur  
 Smith, Marjorie  
 Twardus, Joseph

Brennan, William  
 DeChane, Marlene  
 Gilmore, Gary  
 Knowles, William  
 Pelletier, Marsha  
 Snyder, Clair  
 Wall, Janet

Brown, George  
 Domingo, Baldwin  
 Grassie, Anne  
 Lent, Donald  
 Rogers, Rose Marie  
 Spang, Judith  
 Woods, Phyllis

### SULLIVAN

Allison, David  
 Jones, Constance  
 Wiggins, Celestine

Burling, Peter  
 Leone, Richard

Cloutier, John  
 Robb-Theroux, Amy

Donovan, Thomas, Jr  
 Tuthill, John

**NAYS 68****BELKNAP**

Turner, Robert	Wendelboe, Francine
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**CARROLL**

Lyman, L Randy	Mock, Henry
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**CHESHIRE**

Riley, William	Royce, H Charles
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**COOS**

None

**GRAFTON**

Akins, Ralph	Dudley, Terri	Hall, David	Mirski, Paul
Scanlan, David			

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas, Jr	Baroody, Benjamin	Bruno, Pierre
Carlson, Donald	Christiansen, Lars	Clegg, Robert, Jr	Dwyer, Paul, Sr
Emerton, Lawrence	Fenton, James	Hall, Betty	Herman, Keith
Jean, Loren	Kurk, Neal	MacGillivray, Jeffrey	McCarthy, William
McDonald, James, Sr	McRae, Karen	Melcher, Harold	Vaillancourt, Steve
Wall, Nancy			

**MERRIMACK**

Asplund, Bronwyn	Brewster, Richard	Kennedy, Richard	Langer, Ray
Lockwood, Priscilla	Marshall, Kenneth	Whalley, Michael	

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Cooney, Richard	Corbin, C David	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Hutchinson, Karen	Letourneau, Robert	McKinney, Betsy
Mikowski, Walter	Packard, Sherman	Putnam, Ed, II	Sapareto, Frank
Tufts, J Arthur	Welch, David		

**STRAFFORD**

Brown, Julie	Keans, Sandra	Musler, George	Torr, Franklin
Tsiros, William			

**SULLIVAN**

Kibbey, David	Phinizy, James
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and CACR 6 was read a third time and passed by the constitutionally required three-fifths.

**THIRD READING AND FINAL PASSAGE**

**CACR 6**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Marple requested that his protest be entered on the Journal.

I wish to record my dissent and protest on the basis of Part 2, Article 5 of the New Hampshire Constitution. The supreme legislative power cannot be delegated by the body or it is no longer supreme. Logic dictates that the supreme power to legislate remains with the General Court.

**REGULAR CALENDAR (CONT'D.)**

**HB 468**, relative to the home rule powers of municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas E. P. Rice for Municipal and County Government: This bill is a comprehensive compilation of the things that CACR 6 does and does not do. It makes clear the intent of CACR 6 to allow the individual communities to act on their own behalf in cases where the Constitution, the legislature, or the statutes are silent.

It also makes very clear that the state retains the right to overrule any local action and that no function now performed by the state may be usurped or duplicated by the community. Vote 14-2.

**Amendment (1351h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Powers and Duties of Towns; Power to Make Bylaws. RSA 31:39 is repealed and reenacted to read as follows:

31:39 Declaration of Purpose. The purpose of this subdivision is to further define the home rule powers granted to municipalities by the New Hampshire constitution. It is not intended to impliedly repeal existing state laws and regulations nor to limit the authority granted to cities and towns pursuant to predecessor versions of RSA 31:39-43.

2 New Section; Powers and Duties of Towns to Make Bylaws and Ordinances. Amend RSA 31 by inserting after section 31:39-a the following new section:

31:39-b Bylaws and Ordinances. Any municipality, through the adoption, amendment or repeal of ordinances or bylaws by its legislative body, may exercise any power or function pertaining to its government and affairs which are not prohibited by the state constitution, state statute, or common law. The following provisions shall apply:

I. There is a rebuttable presumption that any ordinance or bylaw enacted under this section is a valid exercise of a municipality's home rule authority.

II. The legislature shall not be held to have implicitly denied any power granted to municipalities under this section unless the exercise of that power is inconsistent with a detailed and comprehensive program of statewide regulation.

III. Any local ordinance or bylaw hereafter adopted by a municipality, except where the general court has vested that power in the governing body, shall become effective no sooner than 60 days after its adoption. Unless otherwise specified, an effective date of 60 days after adoption shall be presumed.

IV. Except as otherwise provided by law, penalties established by ordinance or bylaw shall be recovered by the municipality for its use.

V. All ordinances and bylaws affecting the form of local government shall conform to laws adopted to implement part 1, article 39 of the New Hampshire constitution. No municipal charter shall be adopted or modified except in accordance with procedures delineated in those laws.

VI. This subdivision, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to effect its purposes.

3 Powers of City Councils; Bylaws and Ordinances; Declaration of Purpose. RSA 47:17 is repealed and reenacted to read as follows:

47:17 Declaration of Purpose. The purpose of this chapter is to further define the home rule powers granted to municipalities by the New Hampshire constitution. It is not intended to impliedly repeal existing state laws and regulations, nor to limit the authority granted to cities and towns pursuant to predecessor versions of RSA 47:17.

4 New Section; Powers of City Councils; Bylaws and Ordinances. Amend RSA 47 by inserting after section 17 the following new section:

47:17-a Bylaws and Ordinances. Any municipality, through the adoption, amendment or repeal of ordinances or bylaws by its legislative body, may exercise any power or function pertaining to its government and affairs which are not prohibited by the state constitution, state statute, or common law. The following provisions shall apply:

I. There is a rebuttable presumption that any ordinance or bylaw enacted under this section is a valid exercise of a municipality's home rule authority.

II. The legislature shall not be held to have implicitly denied any power granted to municipalities under this section unless the exercise of that power is inconsistent with a detailed and comprehensive program of statewide regulation.

III. Any local ordinance or bylaw hereafter adopted by a municipality, except where the general court has vested that power in the governing body, shall become effective no sooner than 60 days after its adoption. Unless otherwise specified, an effective date of 60 days after adoption shall be presumed.

IV. Except as otherwise provided by law, penalties established by ordinance or bylaw shall be recovered by the municipality for its use.

V. All ordinances and bylaws affecting the form of local government shall conform to laws adopted to implement part 1, article 39 of the New Hampshire constitution. No municipal charter shall be adopted or modified except in accordance with procedures delineated in those laws.

VI. This subdivision, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to effect its purposes.

5 Regulation of Use of Highways, etc. Amend RSA 41:11 to read as follows:

41:11 Regulation of Use of Highways, etc. Unless regulated by the commissioner of the department of transportation as provided in RSA 236:1, the selectmen may regulate the use of all public highways, sidewalks, and commons in their respective towns and for this purpose may exercise all the powers conferred ~~[on city councils by RSA 47:17, VII, VIII, and XVIII, and by any other provisions of the laws upon the subject]~~ as follows:

I. USE OF PUBLIC WAYS. To regulate all streets and public ways, wharves, docks, and squares, and the use thereof, and the placing or leaving therein any carriages, sleds, boxes, lumber, wood, or any articles or materials, and the deposit of any waste or other thing whatever; the removal of any manure or other material therefrom; the erection of posts, signs, steps, public telephones, telephone booths, and other appurtenances thereto, or awnings; the digging up the ground by traffic thereon or in any other manner, or any other act by which the public travel may be incommoded or the town subjected to expense thereby; the securing by railings or otherwise any well, cellar, or other dangerous place in or near the line of any street; to prohibit the rolling of hoops, playing at ball or flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets and sidewalks, or to frighten teams of horses within the same; and to compel persons to keep the snow, ice, and dirt from the sidewalks in front of the premises owned or occupied by them.

## II. TRAFFIC DEVICES AND SIGNALS.

(a) *To make special regulations as to the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways; to regulate the use of class IV highways within the compact limits and class V highways by establishing stop intersections, by erecting stop signs, yield right of way signs, traffic signals and all other traffic control devices on those highways over which the governing body has jurisdiction. The erection, removal and maintenance of all such devices shall conform to applicable state statutes and the latest edition of the Manual on Uniform Traffic Control Devices.*

(b) *The commissioner of transportation shall only approve the installation and modification of traffic signals as to type, size, installation, and method of operation.*

III. AUTOMOBILE PARKING CONTROLS. *The governing body shall have the authority to adopt such bylaws and ordinances as are necessary to control the parking, standing and stopping of automobiles within the town limits, including ordinances allowing for the towing or immobilization of automobiles for nonpayment of parking fines and creating parking fines recoverable by means of civil process.*

6 Food Service Licensure; Exemptions. Amend RSA 143-A:5, I to read as follows:

I. Food service establishments and retail food stores licensed by city health officers ~~[under RSA 47:17]~~.

7 Food Service Licensure; Exemptions. Amend RSA 143-A:5, III to read as follows:

III. Temporary food service establishments and occasional food service establishments which are not under the jurisdiction of city or town health officers ~~[under RSA 147:1 and RSA 47:17]~~.

8 Solid Waste Management Planning. Amend RSA 149-M:17, II(b) to read as follows:

(b) ~~[Notwithstanding RSA 31:39, III]~~ Towns are authorized to levy civil penalties up to \$3,000 for each act which violates the bylaws enacted pursuant to this paragraph. For violations for which any penalty provided in the bylaws is \$500 or less, the official designated in the bylaws as the enforcement authority may issue a summons and notice of fine as provided in RSA 502-A:19-b, except that a copy of the fines for violations of the local bylaws shall be substituted for the

uniform fine schedule. Defendants who are issued such summons and notice of fine may plead guilty or nolo contendere by mail by entering a plea as provided in RSA 502-A:19-b. If the plea is accepted by the court, the defendant shall not be required to appear unless directed by the court.

9 Entertainment and Entertainers. Amend RSA 179:19, V to read as follows:

V. On-sale or off-sale licensees may install amusement machines on their premises. Nothing in this paragraph shall be construed in any way to limit the powers of municipalities ~~[under RSA 31:41-d]~~ to adopt bylaws relative to licensing amusement machines and to determining the number, location, and types of machines allowed in the municipality.

10 Parking Enforcement Provisions. Amend the introductory paragraph of RSA 231:132-a to read as follows:

Notwithstanding any other provision of law, a municipality which installs parking meters pursuant to RSA 231:130, or which establishes other parking restrictions ~~[pursuant to RSA 41:11 or 47:17]~~ or which seeks to enforce the stopping, standing and parking restrictions set forth in RSA 265:68-74, may utilize the following provisions in the enforcement of such parking restrictions and parking charges established through parking meters:

11 Equipment of Vehicles; Special Permits. Amend RSA 266:24, I to read as follows:

I. Any person wishing to move objects having a weight, width, height or length greater than prescribed by this chapter, or wishing to move vehicle and load of which the weight, width, height, or length cannot be so distributed that it will meet the requirements of this chapter, may apply to the commissioner of transportation for a permit to move said object or said vehicle and load upon a way. The commissioner of transportation, with the approval of the director, may grant a permit for the moving of said object or vehicle and load upon a specified way and at a specified time if, in ~~[his]~~ **the commissioner's** opinion, it will not be detrimental to the preservation of the ~~[said]~~ way and the public use thereof. Provided, that the applicant, if required by ~~[said]~~ **the** commissioner and director, shall file a bond to cover any possible damage to the ways or to the bridges over which the object or vehicle and load to be moved may pass and shall fulfill such rules as may be prescribed by ~~[said]~~ **the** commissioner of transportation and director; and further provided that the commissioner of transportation or the director of the division may require a hearing before granting ~~[said]~~ **the** permit. This section shall not be construed to limit the powers of the commissioner of transportation, selectmen of towns, and city council of cities to make rules for the protection and to prevent the abuse of ways and bridges as provided by RSA 236:1, RSA ~~[47:17]~~ **47:17-a** and RSA 41:11. Any person who violates the conditions of any permit issued pursuant to this section shall be guilty of a violation.

12 Dog Control Law; Referendum. Amend RSA 466:30-b, V to read as follows:

V. A town or city which either does not adopt, or rescinds its adoption of, RSA 466:30-a, may adopt other ordinances pertaining to dogs running at large ~~[under RSA 31:39 or RSA 47:17, XI]~~.

13 Municipal Courts; Duties of Clerk; Disposition of Fines. Amend RSA 502:14 to read as follows:

502:14 Duties of Clerk; Disposition of Fines. The clerk shall receive all fines and forfeitures paid into the municipal court from any source. After deducting court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court, the clerk shall, except in cases otherwise provided, pay the same over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days. After deduction of expenses enumerated above, fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted ~~[pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII]~~ **under RSA 41:11, and those regulating operation of vehicles, use of public ways, and traffic devices and signals, and those adopted under RSA 105:6-7**, shall be remitted within 14 days to the treasurer of the municipality prosecuting said violations, for the use of the municipality. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines collected shall be retained in their entirety by the local unit of government.

14 District Courts; Duties of Clerks; Disposition of Fines. Amend RSA 502-A:8 to read as follows:

502-A:8 Duties of Clerk; Disposition of Fines. The clerk shall receive all fines and forfeitures paid into the district court from any source. The clerk of any district or municipal court may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is deposited in the general fund and not out of the penalty assessment charged by a district or municipal court.

After deducting court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court, the clerk shall, except in cases otherwise provided, pay the same over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days. After deduction of expenses enumerated above, fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted ~~[pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17; IV, VI, VII, or VIII]~~ **under RSA 41:11, and those regulating operation of vehicles, use of public ways, and traffic devices and signals, and those adopted under RSA 105:6-7**, shall be remitted within 14 days to the treasurer of the municipality prosecuting said violations, for the use of the municipality. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines collected shall be retained in their entirety by the local unit of government.

15 Repeal. The following are repealed:

- I. RSA 31:39-a, relative to conflict of interest ordinances.
- II. RSA 31:40, relative to taxicabs.
- III. RSA 31:41, relative to open-air motion picture theatres.
- IV. RSA 31:41-a, relative to motor vehicle race tracks.
- V. RSA 31:41-b, relative to hazardous embankments.
- VI. RSA 31:41-c, relative to electioneering.
- VII. RSA 31:41-d, relative to pinball machines and coin operated amusements.
- VIII. RSA 31:41-e, relative to bylaws on drug-free zones.
- IX. RSA 31:42, relative to regulation by selectmen.
- X. RSA 31:43, relative to continuation of bylaws.

16 Applicability. If a constitutional amendment to the New Hampshire constitution providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions is adopted by the voters in the 2000 general election, then sections 1-15 of this act shall take effect January 1, 2001. If such a constitutional amendment is not adopted, then sections 1-15 of this act shall not take effect.

17 Effective Date.

- I. Section 16 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect as provided in section 16 of this act.

### AMENDED ANALYSIS

This bill provides that municipalities shall have home rule authority to exercise powers which are not prohibited by the state constitution, state statute, or common law. Any municipal ordinance or bylaw shall become effective no sooner than 60 days after its adoption, except where the general court has otherwise vested that power in the municipality's governing body. Under this bill, changes in the law resulting from the passage of this bill shall not become effective unless an amendment to the New Hampshire constitution providing that municipalities shall have such home rule authority is adopted by the voters in the 2000 general election.

Adopted.

Report adopted and ordered to third reading.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Lozeau moved that the House reconsider its action whereby it ordered to third reading **HB 300**, making technical corrections to 1999, HB 117, and spoke against.

Rep. Vaillancourt spoke in favor.

Rep. Chandler spoke against.

Rep. Chandler requested a roll call; sufficiently seconded.

**YEAS 138 NAYS 181**

**YEAS 138**

**BELKNAP**

**CARROLL**

Howard, Godfrey

**CHESHIRE**

Batchelder, Robert  
 Doucette, Richard  
 McGuirk, Paul  
 Richardson, Barbara

Blaisdell, Michael  
 Lynch, Margaret  
 Meader, David  
 Robertson, Timothy

Burnham, Daniel  
 Lynott, Margaret  
 Mitchell, McKim  
 Zerba, Roger

DePecol, Benjamin  
 Manning, Joseph  
 Pratt, John

**COOS**

Davis, Perley

Hawkinson, Marie

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
 Hall, David  
 Phinney, William

Copenhaver, Marion  
 Hinman, Harry  
 Solow, Martha

Densmore, Jessica  
 Johnson, Gary

Guest, Robert  
 Mirski, Paul

**HILLSBOROUGH**

Ahern, Richard  
 Cote, Peter  
 Dawe, Eileen  
 Garrish, Linda  
 Hall, Betty  
 Lynde, Harold  
 McRae, Karen  
 Pepino, Leo  
 Vaillancourt, Steve

Baroody, Benjamin  
 Craig, James  
 Drabinowicz, A  
 Ginsburg, Ruth  
 Herman, Richard  
 Martin, Mary  
 Melcher, Harold  
 Reidy, Frank  
 White, John

Bergeron, Lucien  
 Curran, James  
 Franks, Suzan  
 Gorman, Mary  
 Keye, Harvey  
 McCarthy, William  
 Messier, Irene  
 Sarette, John

Burkush, James  
 Daigle, Robert  
 Gagnon, Paul  
 Haettenschwiller, Alphonse  
 Lasky, Bette  
 McDonald, James, Sr  
 Moriarty, Mary  
 Simon, Anthony

**MERRIMACK**

Bouchard, Candace  
 Davis, Francis  
 French, Barbara  
 Lockwood, Priscilla  
 Potter, Frances  
 Wallner, Mary Jane

Brewster, Richard  
 Feuerstein, Martin  
 Gile, Mary  
 Marple, Richard  
 Rodd, Beth  
 Yeaton, Charles

Chase, George  
 Fortnam, Janet  
 Hager, Elizabeth  
 Marshall, Kenneth  
 St Cyr, Gerard

Daneault, Gabriel  
 Fraser, Marilyn  
 Lavoie, Gerard  
 Owen, Derek  
 Virtue, Carolyn

**ROCKINGHAM**

Abbott, Dennis  
 Hutchinson, Karen  
 Kobel, Rudolph  
 Norelli, Terie  
 Sapareto, Frank  
 Splaine, James

Blanchard, MaryAnn  
 Hutchinson, Rebecca  
 Langone, John  
 Pantelakos, Laura  
 Schanda, Frank

Clark, Martha  
 Kane, Cecelia  
 Lovejoy, Marian  
 Pitts, Jacqueline  
 Shelton, Richard

Corbin, C David  
 Kelley, Jane  
 McKinney, Betsy  
 Putnam, Ed, II  
 Shultis, Elizabeth

**STRAFFORD**

Berube, Roger  
 Callaghan, Frank  
 Estabrook, Iris  
 Keans, Sandra  
 Rogers, Rose Marie  
 Spang, Judith

Bickford, David  
 DeChane, Marlene  
 Gilmore, Gary  
 Lent, Donald  
 Rollo, Michael  
 Twardus, Joseph

Brennan, William  
 Domingo, Baldwin  
 Johnson, Nancy  
 Pelletier, Arthur  
 Smith, Marjorie  
 Wall, Janet

Brown, Julie  
 Dunlap, Patricia  
 Kaen, Naida  
 Pelletier, Marsha  
 Snyder, Clair

**SULLIVAN**

Allison, David  
 Robb-Theroux, Amy

Cloutier, John  
 Tuthill, John

Donovan, Thomas, Jr  
 Wiggins, Celestine

Phinizy, James



**NAYS 181****BELKNAP**

Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, James
Lawton, David	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		

**CHESHIRE**

Avery, Stephen	Hunt, John	Riley, William	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Harmon, Hobart
MacNeil, Allen	Marshall, Gene	Picconi, Al	

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Foster, Linda	Gagnon, Eugene
Goley, Jeffrey	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Jean, Loren	Johnson, Lionel	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McGough, Tim	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Wall, Nancy	White, Donald
Withee, Dennis			

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Hoadley, Elizabeth	Kennedy, Richard
Langer, Ray	Larrabee, David, Sr	Leber, William	Nichols, Avis
Poulin, Dave	Whalley, Michael	Whittemore, James	

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dolan, Richard
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Letourneau, Robert	Mikowski, Walter

Morse, Charles  
 Priestley, Anne  
 Ruffner, Walter  
 Tufts, J Arthur  
 Weyler, Kenneth

O'Keefe, Patricia  
 Quandt, Marshall  
 Stickney, Nancy  
 Varrell, Thomas  
 Whittier, John

O'Neil, Michael  
 Raynowska, Bernard  
 Stone, Joseph  
 Weare, Everett  
 Zolla, William

Packard, Sherman  
 Reardon, Neil  
 Stritch, C Donald  
 Welch, David

### STRAFFORD

Brown, George  
 McKinley, Robert  
 Woods, Phyllis

Cossette, Larry  
 Spear, Barbara

Grassie, Anne  
 Torr, Franklin

Knowles, William  
 Tsiros, William

### SULLIVAN

Burling, Peter

Jones, Constance

Kibbey, David

Leone, Richard

and reconsideration failed.

### SPECIAL ORDER

**HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsey L. Patten for Municipal and County Government: In order to further the state's policy of promoting the development of a competitive electric supply market in New Hampshire and to give municipalities the ability to attract new electric generation facilities and retain existing generation facilities that have become subject to the economic pressures of a deregulated market, the general court believes that it is desirable to give municipalities the authority to exempt from taxation certain personal property that is used in the manufacture of electricity.

This bill gives the governing body the authority to determine an exemption. The amendment sets up that the determination requires approval by the legislative body of the municipality.

The determination for exemption may be applied to new construction of electric generating facilities, to retain existing electric generation facilities or to foster economic development.

At least four items must be disclosed to and approved by the legislative body: fair market value of equipment exempted, the term of the exemption, any agreement for payments of taxes, and/or agreement for payment in lieu of taxes.

An additional amendment to sunset the availability of this option on July 1, 2004 was adopted by the committee. If an exemption is granted by the legislative body, the agreement is not subject to the sunset date. Vote 11-4.

Amendment adopted House Journal 18, 5/20/99.

The question now being the adoption of the report.

### LAID ON THE TABLE

Rep. Packard moved that **HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power, be laid on the table. Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 649-FN**, relative to air pollution emissions from small, high-polluting electricity generators. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Terie T. Norelli for the Majority of Science, Technology and Energy: Due to high electric rates in the state, many businesses have begun to use internal combustion engine electricity generators, which have increased nitrogen oxide (NOx) emissions. The majority of the committee believes that increased use of these high NOx-emitting generators should be discouraged. This bill, as amended, would subject these sources to requirements more similar to those for larger electricity generators. The amendment represents a compromise reached among the Department of Environmental Services, users of these generating sources, and the committee. Users must acquire emission reduction credits or make a direct payment for each ton of NOx emitted. This would not apply for eight years to generating sources existing as of July 1, 1999, and would not apply for six years to generating sources which had filed an application for a permit as of May 1, 1999. In addition, the fees

are phased in over a five-year period for new sources. Funds collected under this legislation would be deposited in a NOx emissions reduction fund and used to reduce NOx emissions by electricity generation sources. Vote 13-3.

Rep. Thomas A. Varrell for the Minority of Science, Technology and Energy: This bill was hotly debated within the committee and various votes were taken during debate. The vote spread ranged from 8-7 to ITL, to the final vote of 13-3 OTP. Most of the debate centered around the implementation time frame. However, the most important aspect of the bill was generally overlooked. The major problem is the inability to accurately measure and evaluate the emissions from each and every generation site within the state. Due to the geography, topography and highly diverse synoptic and climatic nature of the state, it would be impossible to establish a baseline emission level, which would be accurate, fair, and equitable to each and every generating site however large or small. Every site would require its own unique baseline emission level, and would need to monitor all emission and pollution levels even during periods when the generator was shut down. Since we would need to monitor at least 100 or more actual emission sites, we would also need pollution measuring sites in locations outside the influence of any of these generating sites. In other words, the Bow Power Station baseline level would differ significantly from the baseline level at Concord Airport only a very few miles away. The Department of Environmental Services would have to establish a significant number of continuous monitoring sites, which would have to be manned and evaluated on a continuing basis. The fiscal impact would be significant and this cost could probably not be passed onto the site owner/operator since it would probably constitute an unfunded mandate. The implementation of this bill might be possible in a geographical and topographical homogeneous state, such as Kansas or Nebraska, where the only significant changes would be seasonal and daily synoptic changes; however, it cannot work here in New Hampshire.

#### **Amendment (1345h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to nitrogen oxide emissions from electricity generation.

Amend the bill by replacing all after the enacting clause with the following:

##### **1 Purpose.**

I. The general court finds that due to high retail rates in the state, many businesses have sought to control their electric costs by use of internal combustion engine electricity generators that run on fossil fuels. These generators have increased nitrogen oxide (NOx) emissions and use of additional units has the future potential to substantially increase such emissions and to increase electric rates for customers purchasing electricity from sources subject to more stringent NOx regulations. The general court therefore finds that electricity generation equipment, defined as NOx-emitting generation sources, shall be subject to NOx emission requirements more similar to requirements for larger electricity generators that are NOx budget sources. The general court also finds that, as an alternative to such requirements, the owners of such sources may make certain payments to assist in NOx emission reduction from such generators.

II. The general court further finds that the need for such generation equipment, due to its direct link to high electricity rates, may accelerate unless there is a resolution of the excessive rates plaguing many New Hampshire customers. If settlements cannot be reached that effectively lower rates, the general court may need to consider legislation in the next session that would create special rate structures that would minimize the incentive for customers to install this type of generation.

2 New Paragraph; Definitions: NOx-Emitting Generation Source. Amend RSA 125-J:1 by inserting after paragraph XIX-b the following new paragraph:

XIX-c "NOx-emitting generation source" means any source which generates electricity for use or sale, except for sources which meet the definition of a NOx budget source. NOx-emitting generation source shall not include any generators which:

(a) Serve as an electrical or mechanical power source when the primary power source is unavailable;

(b) Are used as a start-up or a temporary supply of power to a facility which generates electricity for use or sale;

(c) Are used as a portable generator;

(d) Emit, in total from the facility, 5 tons of NOx or less per calendar year; or

(e) Are located in an area where electrical power is not reasonably or, considering the type of power needed by the user, reliably available.

3 New Section: NOx-Emitting Generation Source Requirements; Rulemaking. Amend RSA 125-J by inserting after section 12 the following new sections:

125-J:13 NOx-Emitting Generation Source Requirements.

I. Each NOx-emitting generation source emitting more than 7 pounds of NOx per megawatt hour generated shall be required to supply to the department NOx emissions information, and the amount of kilowatt hours actually produced during each period listed in subparagraph II(b). Additionally, except as provided either by paragraph I or II of this section, each NOx-emitting generation source shall acquire NOx budget allowances, emissions reduction credits, or other emissions reduction mechanisms on the same basis as a NOx budget source for all of its NOx emissions. However, NOx-emitting generation sources shall not be required to acquire NOx budget allowances, emissions reduction credits, or use emissions reduction mechanisms for the first 7 pounds of NOx emitted for each megawatt-hour of electricity produced and any amounts of NOx above such first 7 pounds that are attributable to the provision of other, non-electric services provided by the generating source, including but not limited to, steam and heat, and any amounts of NOx emitted during any period when the NOx-emitting generation source is operating to provide power during a power shortage at the request of any governmental authority or provider of electrical power to the public generally.

II.(a) NOx-emitting generation sources may, at the option of the generation source, make a direct payment for each ton of NOx emitted which would otherwise require the acquisition and use of emissions reduction mechanisms in accordance with paragraph I, in lieu of acquiring emissions reduction mechanisms.

(b) The payment provided for in subparagraph II(a) shall be made annually and shall be equal to the number of tons of NOx emitted by the NOx-emitting generation source, less the tons of NOx not requiring emission reduction mechanisms under paragraph I, times a fee of \$200 per ton for tons emitted during the period running May 1 to September 30 and a fee of \$100 per ton for tons emitted during the period running October 1 to April 30. These fees shall increase by adding \$200 to the May 1 to September 30 period fee each year for 4 years, and by adding \$100 to the October 1 to April 30 period fee each year for 4 years, such that at the end of the 4 years the fee for the period running May 1 to September 30 will be capped at \$1,000 per ton and the fee for the period running October 1 to April 30 will be capped at \$500 per ton.

(c) There is hereby established the nitrogen oxide emissions reduction fund. This nonlapsing, revolving special fund shall be continually appropriated to be expended by the department of environmental services in accordance with this section. The state treasurer shall invest the moneys so deposited as provided by law. Interest received on investments made by the state treasurer shall also be credited to the fund. All payments collected by the department under this paragraph shall be deposited in the nitrogen oxide emissions reduction fund and used to reduce NOx emissions by NOx-emitting generation sources. Fund moneys may be used for:

(1) The acquisition and retirement of NOx emissions reduction mechanisms by the department;

(2) Financial assistance for the purchase of NOx-emitting generation source equipment to obtain NOx emissions reductions from NOx-emitting generation sources located within the state, including but not limited to new technologies for such emissions control; and

(3) Refunds to NOx-emitting generation sources in proportion to their electric generation.

(d) If any governmental authority imposes NOx emissions reduction requirements applicable to facilities that are also NOx-emitting generation sources, then any emission reductions produced or secured under paragraph I shall be credited as emission reductions produced or secured by the NOx-emitting generation sources that made the reduction and any emission reductions produced or secured under paragraph II shall be credited as emission reductions produced or secured by all NOx-emitting generation sources in proportion to their payments to the dedicated fund.

III. The provisions of paragraphs I and II shall not apply:

(a) For a period of 8 years from the effective date of this section, to any electricity generating source which existed as of July 1, 1999, was permitted by the department, whether on a temporary or permanent basis, including any permit renewal or modification, whether applied for or issued, pertaining to any such generating source; and

(b) For a period of 6 years from the effective date of this section, to any electricity generating source which, as of May 1, 1999, filed an application for a permit with the division containing substantial but not necessarily complete information.

125-J:14 NOx-Emitting Generation Source Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to:

I. Forms and procedures for submission of kilowatt hour data required by RSA 125-J:13, I, payments under RSA 125-J:13, II, and forms, procedures, and identification of NOx emissions information required by RSA 125-J:13, I; and

II. Forms, procedures, administration, and use of the nitrogen oxide emissions reduction fund.

4 New Subparagraph; Nitrogen Oxide Emissions Reduction Fund Created. Amend RSA 6:12, I by inserting after subparagraph (www) the following new subparagraph:

(xxx) Moneys received by the department of environmental services under RSA 125-J:13, II, which shall be credited to the nitrogen oxide emissions reduction fund.

5 Effective Date. This act shall take effect upon passage.

### AMENDED ANALYSIS

This bill requires any new NOx-emitting generation source to supply NOx emissions information and acquire NOx budget allowances or other emissions reduction mechanisms.

This bill requires such sources to make a direct payment to the department which shall be credited to a special fund, for each ton of NOx emitted if emissions reduction mechanisms are not utilized, and provides a formula for the calculation of such fees.

This bill also defines NOx-emitting generation source.

Adopted.

Rep. Varrell spoke against.

Rep. MacGillivray spoke in favor and yielded to questions.

Rep. Varrell requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### YEAS 246 NAYS 63

#### YEAS 246

#### BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Millham, Alida	Rice, Thomas	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	

#### CARROLL

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth	Patten, Betsey	Philbrick, Donald	

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Richardson, Barbara	Riley, William	Robertson, Timothy	Royce, H Charles
Smith, Edwin	Zerba, Roger		

#### COOS

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Tholl, John, Jr	

#### GRAFTON

Akins, Ralph	Almy, Susan	Brothers, Richard	Copenhaver, Marion
Densmore, Jessica	Eaton, Stephanie	Hinman, Harry	Johnson, Gary
MacNeil, Allen	Marshall, Gene	Picconi, Al	Solow, Martha

#### HILLSBOROUGH

Alukonis, David	Arnold, Thomas, Jr	Baroody, Benjamin	Batula, Peter
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert

Clegg, Robert, Jr  
Daigle, Robert  
Desmarais, Vivian  
Dyer, Merton  
Foster, Linda  
Ginsburg, Ruth  
Hansen, Herbert  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
McCarthy, Winston  
Mercer, Robert  
Moriarty, Mary  
Peterson, Andrew  
Sarette, John  
Turgeon, Roland

Cote, Peter  
Dalianis, Griffin  
Dokmo, Cynthia  
Emerton, Lawrence  
Gagnon, Eugene  
Goulet, Maurice  
Herman, Keith  
Keye, Harvey  
LaRose, Richard  
Lessard, Rudy  
Martel, Andre  
McDonald, James, Sr  
Messier, Irene  
Mosher, William  
Reeves, Sandra  
Sargent, Maxwell  
Vaillancourt, Steve

Craig, James  
Daniels, Gary  
Drabinowicz, A  
Fields, Dennis  
Gagnon, Paul  
Haettenschwiller, Alphonse  
Herman, Richard  
Konys, Christine  
Lasky, Bette  
Lozeau, DonnaLee  
Martin, Mary  
McGough, Tim  
Milligan, Robert  
O'Connell, Timothy  
Reidy, Frank  
Simon, Anthony  
White, Donald

Curran, James  
Dawe, Eileen  
Durham, Susan  
Flora, Kathleen  
Garrish, Linda  
Hall, Betty  
Holley, Sylvia  
Kurk, Neal  
Lefebvre, Roland  
Lynde, Harold  
McCarthy, William  
Melcher, Harold  
Moran, Edward  
O'Hearn, Jane  
Rowe, Robert  
Thulander, O Alan  
White, John

### MERRIMACK

Anderson, Eric  
Chase, George  
Fraser, Marilyn  
Hess, David  
Lockwood, Priscilla  
Rodd, Beth  
Whittemore, James

Asplund, Bronwyn  
Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Nichols, Avis  
Virtue, Carolyn  
Yeaton, Charles

Bouchard, Candace  
Davis, Francis  
Gile, Mary  
Larrabee, David, Sr  
Potter, Frances  
Wallner, Mary Jane

Brewster, Richard  
Feuerstein, Martin  
Hager, Elizabeth  
Leber, William  
Poulin, Dave  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Christie, Andrew, Jr  
Cox, Russell  
Fesh, Robert  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Lovejoy, Marian  
O'Keefe, Patricia  
Priestley, Anne  
Sapareto, Frank  
Splaine, James  
Weatherspoon, Jackie

Arndt, Janet  
Clark, Martha  
Dalrymple, Janeen  
Flanagan, Natalie  
Hamel, Albert  
Kane, Cecelia  
Kobel, Rudolph  
Mikowski, Walter  
Packard, Sherman  
Quandt, Marshall  
Schanda, Frank  
Stone, Joseph  
Welch, David

Beaulieu, Jon  
Clark, Vivian  
Dearborn, Bruce  
Flanders, John, Sr  
Henderson, Warren  
Katsakiores, George  
Langone, John  
Morse, Charles  
Pantelakos, Laura  
Reardon, Neil  
Shelton, Richard  
Stritch, C Donald  
Weyler, Kenneth

Blanchard, MaryAnn  
Cooney, Richard  
DiFruscia, Anthony  
Francoeur, Sheila  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Letourneau, Robert  
Norelli, Terie  
Pitts, Jacqueline  
Ruffner, Walter  
Shultis, Elizabeth  
Tufts, J Arthur  
Whittier, John

### STRAFFORD

Brown, George  
DeChane, Marlene  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Franklin

Brown, Julie  
Dunlap, Patricia  
Keans, Sandra  
Pelletier, Marsha  
Snyder, Clair  
Tsiros, William

Callaghan, Frank  
Estabrook, Iris  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Wall, Janet

Cossette, Larry  
Gilmore, Gary  
Lent, Donald  
Rollo, Michael  
Spear, Barbara  
Woods, Phyllis

### SULLIVAN

Allison, David  
Kibbey, David  
Tuthill, John

Burling, Peter  
Leone, Richard

Cloutier, John  
Phinzy, James

Jones, Constance  
Robb-Theroux, Amy

**NAYS 63****BELKNAP**

Johnson, James	Lawton, David	Pilliod, James
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**CARROLL**

Dickinson, Howard	Howard, Godfrey	Sullivan, P Judith
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**CHESHIRE**

Roberts, William	Rose, William
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**COOS**

Pratt, Leighton
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**GRAFTON**

Alger, John	Cobb, John	Dudley, Terri	Gilman, G Michael
Guest, Robert	Hall, David	Harmon, Hobart	Mirski, Paul
Phinney, William			

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Bruno, Pierre	Christiansen, Lars
Dwyer, Paul, Sr	Fenton, James	Fletcher, Richard	Gorman, Mary
Jean, Loren	McRae, Karen	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Tate, Joan	Wall, Nancy	

**MERRIMACK**

Fortnam, Janet	Kennedy, Richard	Langer, Ray	Marple, Richard
Marshall, Kenneth	Owen, Derek	St Cyr, Gerard	

**ROCKINGHAM**

Belanger, Ronald	Bishop, Franklin	Corbin, C David	Dolan, Richard
Dunham, Vivian	Griffin, Mary	Hutchinson, Karen	Langley, Jane
McKinney, Betsy	O'Neil, Michael	Putnam, Ed, II	Raynowska, Bernard
Stickney, Nancy	Varrell, Thomas	Weare, Everett	Zolla, William

**STRAFFORD**

Brennan, William	Domingo, Baldwin	Johnson, Nancy	McKinley, Robert
Twardus, Joseph			

**SULLIVAN**

Donovan, Thomas, Jr	Wiggins, Celestine
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and the majority report was adopted.  
Referred to Finance.

**HB 724-FN**, relative to an industry average performance system for comprehensive air pollution regulation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.** Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill would have established an Industry-Average Performance System (IAPS) for air pollution regulation. Although the committee agrees that IAPS is an innovative concept, there are several issues with this legislation that would be inappropriate for the State at this time. Geographical issues raised with this legislation require regional consensus to make it viable. Substantial costs would be incurred by the State Motor Vehicle Department in establishing and monitoring registration guidelines for controlled vehicles. Finally, our current energy industry consists of one major electricity producer. Previous agreements providing substantial emission reduction by this producer would be compromised. Vote 14-3. Rep. Donald B. White for the Minority of Science, Technology and Energy: This bill should be re-referred for additional statistical information to provide a bill that truly attacks air pollution problems with respect to utilities, automobiles, and especially diesel trucks, the most significant polluters

today. Failure to address this problem fully (there is a very weak RSA) allows diesel operators and their lobbyists another two years to corrupt our atmosphere and not lift a finger to help beyond an absolute minimum. The utility is trying to improve and is spending money to do so. This is not the cause of the reluctant diesel lobby.  
Majority report adopted.

**HB 281-A**, making a capital appropriation for the expansion of veterans' home facilities. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: This bill would provide a much needed expansion and improvement to the New Hampshire Veterans' Home, particularly in the dementia facility. This proposal was the result of study the last two years that identified the need for 100 additional beds with at least 50 beds for dementia patients. The cost is approximately \$10 million, with the federal share \$6.5 million, and the state's share \$3.5 million. The committee voted with overwhelming support to include this project in the Capital Improvement Budget, HB 25-A, which the House approved on May 13, 1999. Therefore, this bill is no longer needed. Vote 21-0.

Rep. Leber spoke to the bill.  
Adopted.

**VACATE**

Rep. Kurk moved that the House vacate the reference to the Committee on Finance of **SB 207**, relative to authorizing bonds for the construction and renovation of regional vocational education centers.

Adopted and referred to the Committee on Public Works and Highways.

**REMOVED FROM THE TABLE**

Rep. Alukonis moved that **HR 10**, affirming revenue estimates for fiscal year 1999, be removed from the table.

Adopted.

Rep. Alukonis offered a floor amendment.

**Floor Amendment (1416h)**

Amend the title of the resolution by replacing it with the following:

A **RESOLUTION** affirming revenue estimates for fiscal years 1999, 2000, and 2001.

Amend the resolution by replacing all after the title with the following:

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal years 1999, 2000, and 2001 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1999, 2000, and 2001.

Committee estimates are based on current rates.

(A)	(B)	(C)	(D)
	FY 1999	FY 2000	FY 2001
<b>GENERAL/ED TRUST FUNDS:</b>	<b>Committee</b>	<b>Committee</b>	<b>Committee</b>
<b>(Dollars in Millions)</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
Business Profits Tax	<u>\$191.000</u>	<u>\$219.000</u>	<u>\$209.900</u>
7% General fund portion	191.000	174.000	179.000
1% Education trust fund portion	0	45.000	30.900
Business Enterprise Tax	<u>71.000</u>	<u>107.500</u>	<u>101.600</u>
.25% General fund portion	71.000	76.000	80.000
.25% Education trust fund portion	0	31.500	21.600
Meals and Rooms Tax	<u>138.000</u>	<u>157.000</u>	<u>167.300</u>
General fund portion	138.000	147.000	157.000
Car rentals-Education	0	10.000	10.300
Trust fund portion			



(A)	(B)	(C)	(D)
GENERAL/ED TRUST FUNDS: (Dollars in Millions)	FY 1999 Committee Estimate	FY 2000 Committee Estimate	FY 2001 Committee Estimate
Liquor Sales	78.000	80.000	82.000
Interest & Dividends Tax	66.000	69.000	72.500
Insurance Tax	62.000	62.000	63.000
Tobacco Tax	79.800	122.800	122.800
General fund portion	74.800	74.800	74.800
\$.25 Incr. Ed Trust fund portion	5.000	48.000	48.000
Tobacco Settlement	0	58.680	46.107
Up front payment Ed Trust fd	0	15.982	0
General fund portion	0	2.698	6.107
Education Trust fund portion	0	40.000	40.000
Other	44.000	41.000	42.000
Communications Tax	45.300	48.900	52.800
Estate & Legacy Tax	48.000	51.000	56.000
Real Estate Transfer Tax	52.000	82.500	87.000
\$.50/\$100 General fund portion	52.000	55.000	58.000
\$.25/\$100 Education Trust fund portion	0	27.500	29.000
Court Fines & Fees	21.800	22.000	22.000
Utility Tax	10.500	10.500	10.500
Securities Revenue	22.500	22.500	22.500
Board & Care Revenue	9.900	10.700	10.500
Beer Tax	11.600	11.700	11.800
Horse Racing	2.100	2.100	2.100
Dog Racing	.900	.900	.900

(A)	(B)	(C)	(D)
MEDICAID ENHANCEMENTS: (Dollars in Millions)	FY 1999 Committee Estimate	FY 2000 Committee Estimate	FY 2001 Committee Estimate
Board and Care	25.000	20.000	20.000
Uncompensated Care Pool	52.100	53.700	55.300
Total Medicaid Enhancements	77.100	73.700	75.300
STATE-WIDE PROPERTY TAX:			
State-wide Property Tax-Ed Trust fund	0	418.000	418.000
State-wide Property Tax-Donor	0	2.400	4.800
Towns-Ed Tru			
State-wide Utility Property	0	35.900	23.900
Tax-Ed Trust fund			
SWEEPSTAKES FUNDS:			
Sweepstakes Revenue Ed Trust fund	61.000	60.000	62.000
TOTAL	1,092.500	1,769.780	1,767.307
Total General Fund	1,026.500	1,035.498	1,078.807
Total Education Trust Fund	66.000	734.282	688.500
HIGHWAY FUNDS: (Dollars in Millions)			
Road Tolls	121.000	124.600	128.300
Motor Vehicle Fees	68.000	69.600	70.600
Miscellaneous	10.300	10.100	10.300
TOTAL HIGHWAY FUNDS	199.300	204.300	209.200

**FISH & GAME FUNDS:**

(Dollars in Millions)

Fish & Game Licenses	6.400	6.800	6.900
Miscellaneous	<u>1.000</u>	<u>1.400</u>	<u>1.400</u>
<b>TOTAL FISH &amp; GAME FUNDS</b>	<u>7.400</u>	<u>8.200</u>	<u>8.300</u>

Rep. Alukonis spoke in favor and yielded to questions.

Adopted.

**LAID ON THE TABLE**

Rep. Alukonis moved that **HR 10**, affirming revenue estimates for fiscal years 1999, 2000, and 2001, be laid on the table.

Adopted.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Marple requested that his protest be entered on the Journal.

I protest and file dissent of adoption of the Finance committee's report relative to HR 10, items A (5) (6) of revenue received from car rental and the operation of motor vehicles, being transferred to the Education Trust Fund from Article 6 (a) revenue dedicated to the Highway Trust Fund. Such transfer of funds is in direct conflict with Part 2, Article 6 (a), Form of Government, New Hampshire Constitution.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 20, 71, 73, 82, 94, 108, 122, 156, 183, 199, 214 and 220 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 20**, relative to the sale or resale of tickets to motor sports events at the New Hampshire International Speedway. (Commerce)

**SB 71**, prohibiting the use of MTBE as an additive in gasoline. (Science, Technology and Energy)

**SB 73**, relative to eligibility for off-premise liquor licenses. (Commerce)

**SB 82**, relative to the termination of employees. (Labor, Industrial and Rehabilitative Services)

**SB 94**, relative to absentee voter affidavits. (Election Law)

**SB 108**, relative to the co-management of patients with primary open-angle glaucoma and establishing a glaucoma co-management committee. (Health, Human Services and Elderly Affairs)

**SB 122**, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence. (Criminal Justice and Public Safety)

**SB 156**, granting the commissioner of transportation authority to layout and approve the construction of a restricted use driveway onto a public highway in Canterbury and creating a legislative study committee to consider options for addressing the development of major projects which have statewide or significant regional impacts, such as the New Hampshire International Speedway. (Public Works and Highways)

**SB 183-FN-A**, establishing a New Hampshire health access corporation and continually appropriating a special fund and making an appropriation therefor, requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to certain transfers to the health care fund, and relative to rates for pharmaceutical services. (Commerce)

**SB 199**, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system. (Commerce)

**SB 214-FN**, relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board. (Health, Human Services and Elderly Affairs)

**SB 220-FN**, relative to the disclosure of child abuse and neglect information. (Children and Family Law)

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 24**, extending the application of certain provisions of the child protection act to all children in out-of-home placements.

**SB 112**, relative to the guardianship of minors.

**HB 375**, relative to substitutions for disqualified and deceased candidates.

**HB 395-FN-A**, establishing a program of matching grants to preserve historic agricultural structures in New Hampshire.

**HB 685-FN-A**, relative to the duties of the New Hampshire land and community heritage commission.

**SB 25**, expanding the waiver of administration under the law regarding decedents' estates.

**SB 64**, relative to powers of appointment.

**SB 101**, relative to landlord-tenant obligations.

**SB 165**, relative to the Uniform Trustees' Powers Act.

**SB 124**, establishing a committee to study the integration of technology at the state and municipal level.

**HB 657-FN**, relative to the health services planning and review board and the certificate of need process.

**HB 411**, requiring voters to present identification.

**HB 68**, adding the name of Martin Luther King, Jr. to Civil Rights Day.

**SB 80**, adding the name of Martin Luther King, Jr. to Civil Rights Day.

**HB 666-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances.

**HB 676-FN-A**, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor.

**HB 300**, making technical corrections to 1999, HB 117.

**SB 14**, establishing a committee to study the impact of federal welfare reform on the cities and towns of New Hampshire.

**SB 22**, relative to the pilot program relative to the administration of medication in residential care facilities.

**HB 468**, relative to the home rule powers of municipalities.

**UNANIMOUS CONSENT**

Reps. Haettenschwiler and Letourneau addressed the House.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 6:10 p.m.

**RECESS**

**(Rep. Hunt in the Chair)**

**RESOLUTION**

Rep. Keith Herman offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 745 and House Concurrent Resolution numbered 13, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILL and HCR****First, second reading and referral**

**HB 745-L**, authorizing the town of Ashland to call a special meeting for the purpose of raising money to address a general fund deficit. (Harmon, Graf 8; Phinney, Graf. 8; Gordon, Dist 2: Municipal and County Government)

**HCR 13**, urging the selection of a final design for the New Hampshire commemorative quarter which includes the state motto "live free or die." (McGough, Hills 18; Kurk, Hills 5; Letourneau, Rock 13; R. Lawton, Belk. 7; K. Herman, Hills 13; Klemm, Dist 22; Krueger, Dist 16; F. King, Dist 1; Wheeler, Dist 21; J. King, Dist 18: State-Federal Relations and Veterans Affairs)

**ENROLLED BILL AMENDMENTS**

**SB 60**, establishing a committee to study the licensure of radiographers and radiologic technologists. (Amendment printed SJ 20, 5/20/99)  
Adopted.

**SB 161-L**, relative to amending the contributory pension system for employees of the city of Manchester and authorizing the town of Salem pension plan. (Amendment printed SJ 20, 5/20/99)  
Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 240, 258 and 672 and Senate Bills 18 and 180.

Rep. Lozeau, Sen. D'Allesandro for the Committee

**RECESS**

(Rep. Vaughn in the Chair)

**ENROLLED BILL AMENDMENT**

**SB 77**, relative to authorized regional enrollment area schools. (Amendment printed SJ 20, 5/20/99)  
Adopted.

**RECESS**

(Rep. Foster in the Chair)

**ENROLLED BILL AMENDMENT**

**SB 42-L**, establishing a committee to study safety improvements at the U.S. Route 1 traffic circle in the city of Portsmouth. (Amendment printed SJ 21, 5/27/99)  
Adopted.

**RECESS**

(Rep. Lozeau in the Chair)

**SENATE MESSAGES****CONCURRENCE**

**HB 55-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2001.

**HB 61**, relative to political contributions by members of the ballot law commission.

**HB 68**, adding the name of Martin Luther King, Jr. to Civil Rights Day.

**HB 205**, relative to the requirement for posting of bond by an applicant for a writ of replevin.

**HB 278**, relative to scheduling of district court sessions.

**HB 300**, making technical corrections to 1999, HB 117.

**HB 318**, relative to recovery of costs in utility proceedings and relative to the appointment of public utilities commissioners.

**HB 362**, relative to dam safety program violations.

**HB 388**, relative to telephone number conservation and area code implementation.

**HB 441**, relative to a mother's right to breast-feed.

**HB 477-FN**, changing certain requirements for temporary plates on motor vehicles.

**HB 488**, relative to the definition of a developmentally delayed child in the provision of special education services.

**HB 494-FN-A**, making an appropriation to the department of cultural resources for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife.

**HB 538**, establishing a committee to study the new construction and repair of New Hampshire commemorative monuments at certain Civil War battle sites.

**HB 552**, relative to the issuance of crossbow permits to persons with a permanent physical disability.

**HB 554**, relative to driver education reciprocity.

**HB 573**, clarifying the status of class VI highways.

**HB 593-FN-L**, relative to the classification of class VI roads which have been maintained by a town.

**HB 619-FN**, requiring the commissioner of health and human services to produce certain annual reports.

**HB 624-FN**, establishing a committee relative to health care quality.

### CONCURRENCE WITH AMENDMENTS

**SB 13**, establishing a committee to study joint maintenance agreements in school districts.

**SB 21**, relative to domestic animals.

**SB 215**, transferring certain responsibilities for shellfish harvesting and regulation.

### RESOLUTION

Rep. Whalley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 201 and 223 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 201-FN**, reclassifying non-support as a felony under certain circumstances. (Criminal Justice and Public Safety)

**SB 223-FN-A**, establishing a wellness and primary prevention council and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

### RECESS

(Rep. Clegg in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 60, 206, 261, 300, 306, 322, 357, 373, 420, 535 and 736, House Joint Resolution 3 and Senate Bills 14, 42, 60, 75, 81, 117, 139, 152, 155 and 161.

Rep. Thomas, Sen. D'Allesandro for the Committee

### RECESS

(Rep. Mercer in the Chair)

### RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 85 and 191 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 85-FN**, including the judiciary as a public employer under the public employee labor relations act. (Judiciary)

**SB 191**, relative to the New Hampshire higher educational and health facilities authority. (Commerce)

### RECESS

**(Rep. Buckley in the Chair)**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 55, 61, 68, 278, 318, 362, 388, 441, 477, 488, 494, 538, 552, 554, 573, 593, 619 and 624 and Senate Bills 13, 21, 22, 64, 77, 80, 165 and 215.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECESS****(Rep. Hess in the Chair)****RESOLUTION**

Rep. Foster offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution numbered 12, shall be by this resolution read a first and second time by the therein listed title.

Adopted.

**INTRODUCTION OF HR****First and second reading**

**HR 12**, requesting an opinion of the justices on the constitutionality of HB 536, as amended. (Hess, Merr 11; Bradley, Carr 8)

**RESOLUTION**

Rep. Foster offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 227 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading and referral**

**SB 227-FN**, establishing a gambling business felony. (Criminal Justice and Public Safety)

**RECESS****(Rep. Withee in the Chair)****SENATE MESSAGES****CONCURRENCE**

**HB 262-L**, relative to emergency expenditures and overexpenditures by school boards.

**HB 438**, relative to certain changes to the membership of the advisory committee on child care.

**HB 727-FN**, establishing a committee to study the problems and possible regulation of outdoor lighting.

**HJR 9**, urging the United States Congress and federal Environmental Protection Agency to eliminate federal requirements for oxygenate additives for gasoline.

**HCR 5**, encouraging New Hampshire Public Radio to extend its broadcast signal to northern areas of New Hampshire.

**CONCURRENCE WITH AMENDMENTS**

**SB 16**, relative to revocation of wills by divorce.

**SB 24**, extending the application of certain provisions of the child protection act to all children in out-of-home placements.

**SB 25**, expanding the waiver of administration under the law regarding decedents' estates.

**SB 26**, establishing a committee to study trustee process.

**SB 111**, relative to requirements for acknowledgments and jurats by justices of the peace.

**SB 112**, relative to the guardianship of minors.

**RECESS**

**(Rep. Phinney in the Chair)**

**RESOLUTION**

Rep. Buckley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 746, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL**

**First, second reading and referral**

**HB 746**, relative to emergency police assistance. (Welch, Rock 18; Cohen, Dist 24: Criminal Justice and Public Safety)

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.  
Adopted.

**HOUSE JOURNAL No. 20**

Wednesday, June 9, 1999

The House assembled at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate God, on this wonderfully cooler New Hampshire day, we give You thanks for our many blessings. We ask that You bless the members of this General Court as they seek to represent the people of their communities. Bless their families and those they love. Be present today, we pray, with those Representatives who are facing any personal pain or illness. Especially, we remember Robert Milligan, Norma Sabella, Phil McColgan and Sharon Nordgren. Today's House Calendar brings many issues before this historic Legislature, and most importantly, issues which will help to shape New Hampshire's state budget for the coming year. Enable, O Lord, each of the peoples' Representatives to make the best decision possible, knowing that the way they spend the revenues of our beloved state will affect the quality of life for all our citizens. Bless the people of our beloved state and all who serve the public good. May we not rest until all the people of this land share the benefits of true freedom and gladly accept its disciplines. Amen.

Rep. McKinley led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Courchesne, Crosby, Golden, Heon, Gary Johnson, McColgan, Milligan, Nordgren, Sabella and Searles, the day, illness.

Reps. Alukonis, Bishop, Burling, Chabot, Vivian Clark, Domingo, Doucette, Dowling, Dunham, Ford, Grassie, Haettenschwiller, Harmon, Hawkinson, Konys, Langer, William McCarthy, Perkins, Tara Reardon, Rubin, Solow, Spear, Nancy Wall and Weatherspoon, the day, important business.

**INTRODUCTION OF GUESTS**

Former NH Rep. Janet Pelley, guest of Rep. Julie Brown. Nellie Searle, guest of Rep. Avery. Laurie, Lindsey and John Hayden, guests of Rep. Coughlin. Robin Read, guest of Rep. Seldin. Students from the Wilson School in Manchester and their teacher Mr. Gilman, guests of Reps. LaPorte, Leonard and Garrish. Kara Vigneault, grandniece of Rep. Hoadley. Barbara Brewster and Audry Shaefer, wife and guest of Rep. Brewster. Maria Tsiros and Mathias Nilson, guests of Rep. Tsiros. Sara Ann Sarette and Pauline and Robert Ingersol, wife, sister and brother-in-law of Rep. Sarette. Lynda Horsley, guest of Rep. Hunt.

**SPECIAL GUESTS**

The 1999 Odyssey of the Mind Division Two World Champions from the Londonderry Middle School, guests of the House.

**RECOGNITION AND PRESENTATION**

Secretary of State William M. Gardner introduced Alcide E. Valliere, Berlin Supervisor of the Checklist from 1932 to 1998; Howard W. Zea, Plainfield Town Clerk from 1943 to the present and Robert A. Johnson, Northwood Moderator, 1938 to 1998.

Speaker Sytek presented Declarations of Recognition and Appreciation to Mr. Valliere, Mr. Zea and Rep. Robert Johnson.

**SENATE MESSAGES****NONCONCURS WITH AMENDMENTS****REQUESTS COMMITTEES OF CONFERENCE**

**SB 101**, relative to landlord-tenant obligations.

The President appointed Sens. Trombly, Disnard and Russman.

Rep. Mock moved that the House accede.

Adopted.

The Speaker appointed Reps. Bergin, Phyllis Woods, Janet Wall and Craig.



**SB 124**, establishing a committee to study the integration of technology at the state and municipal level.

The President appointed Sens. D'Allesandro, McCarley and Klemm.

Rep. Bradley moved that the House accede.

Adopted.

The Speaker appointed Reps. Lynde, Guay, Maxfield and Bergeron.

**SB 204**, establishing the New Hampshire excellence in higher education endowment trust fund.

The President appointed Sens. Larsen, Gordon and Cohen.

Rep. O'Hearn moved that the House accede.

Adopted.

The Speaker appointed Reps. Hoadley, Alger, Perley Davis and Snyder.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 204-FN**, relative to driving after license revocation or suspension. (Amendments printed SJ 21, 5/27/99)

Rep. Christie moved that the House concur and spoke in favor.

Adopted.

**HB 215**, placing restrictions on name changes for certain felons. (Amendment printed SJ 18, 5/13/99)

Rep. Knowles moved that the House concur and spoke in favor.

Adopted.

**HB 313-FN**, relative to the regulation of the practice of optometry. (Amendment printed SJ 21, 5/27/99)

Rep. Mercer moved that the House concur and spoke in favor.

Adopted.

**HB 325**, prohibiting "cramming" in telecommunications billing. (Amendment printed SJ 18, 5/13/99)

Rep. Bradley moved that the House concur and spoke in favor.

Adopted.

**HB 345-FN**, relative to harassment via the computer. (Amendment printed SJ 21, 5/27/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 428**, relative to school administrative units. (Amendment printed SJ 21, 5/27/99)

Rep. O'Hearn moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. McKinley, Ward, Larrabee and Claudette Jean.

**HB 431**, establishing a committee to study methods and processes necessary to retain the traditional uses of White Mountain National Forest land, the impact of any change in designation, and relative to promoting the continual multiple use management of such land. (Amendment printed SJ 18, 5/15/99)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.

**HB 444**, relative to establishing a study committee to review reestablishing passenger rail service on the Eastern Line between Newburyport, Massachusetts and Kittery, Maine. (Amendment printed SJ 21, 5/27/99)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 456**, establishing a committee to study issues relating to the deaf community in New Hampshire. (Amendment printed SJ 19, 5/18/99)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted.

**HB 491**, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements. (Amendment printed SJ 21, 5/27/99)

Rep. Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Packard, Letourneau, LaPorte and Gleason.

**HB 527**, relative to the duties of the public utilities commission. (Amendment printed SJ 22, 6/8/99)

Rep. Bradley moved that the House concur and spoke in favor.

Adopted.

**HB 541**, establishing a committee to study the upgrade of Routes 11 and 140. (Amendment printed SJ 21, 5/27/99)

Rep. Calawa moved that the House concur and spoke in favor.

Adopted.

**HB 566**, relative to the supervision of the driver education program. (Amendment printed SJ 21, 5/27/99)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 689-FN**, establishing a committee to study campaign contributions and expenditures. (Amendment printed SJ 21, 5/27/99)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Horton, Francis Davis, Splaine and Clegg.

**HB 714-FN**, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison. (Amendment printed SJ 21, 5/27/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 29-L**, relative to the proper sheltering of dogs, removed by Rep. Dickinson.

**HB 744**, ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, removed by Rep. Hess.

**HCR 10**, requesting Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers, removed by Rep. Buckley.

Consent Calendar adopted.

**HB 200-FN-L**, relative to restructuring the juvenile justice system in New Hampshire. RE-REFER TO COMMITTEE

Rep. Laura G. Pantelakos for Children and Family Law: The committee feels this bill has a lot of merit, but it needs a lot of work. If we are able to refer this back to committee we would be able to work on it this summer and bring it back next session. Vote 13-0.

**SB 137-FN**, relative to use of social security numbers in child support enforcement and in the issuance of driver's licenses. RE-REFER TO COMMITTEE

Rep. Edward P. Moran for Children and Family Law: The majority of the committee had serious reservations about privacy issues presented by the bill. As 1 October 2000 is the federal deadline for state implementation of the use of social security numbers on all driver's license applications, the committee felt there was time to explore limiting the scope of this bill as well as ascertain the success of federal efforts to modify this requirement in the interim. Vote 11-2.

**SB 150**, making certain reference changes to the department of youth development services. OUGHT TO PASS

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill makes a number of technical changes to be consistent with current law and enhances the ability to correct certain shortcomings revealed in the November '98 Performance Audit of the Juvenile Justice Organization. Vote 13-0.

**HB 352**, establishing a procedure for separation of condominium units at the Commons at Merrimack. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill creates a statutory study committee to study all aspects of the condominium statute, including contraction and/or division of a condominium. The constituent problem that gave rise to this legislation can be addressed at that time. Vote 17-0.

#### **Amendment (1364h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study all aspects of the condominium act established under RSA 356-B.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study all aspects of the condominium act established under RSA 356-B.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, at least one of whom shall be a member of the house commerce committee, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study all aspects of the condominium act established under RSA 356-B, soliciting input from organizations including but not limited to the attorney general's office and the Community Associations Institute-New Hampshire (C.A.I.). Measures to be considered will include, but not be limited to, enabling legislation to allow condominium associations to adopt provisions in their bylaws to provide for contraction or division by an 80 percent affirmative vote by condominium owners.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the attorney general, the speaker of the house of representatives, the house clerk, the senate president, the senate clerk, the governor, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill creates a committee to study all aspects of the condominium act established under RSA 356-B.

**HB 331**, relative to auto leasing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: The bill requires further disclosure to consumers of leased vehicles. We are adding to the list of fees to be disclosed when signing an auto lease any settlement costs expected. The amendment adds to this requirement a new disclosure to any lessee or buyer of a vehicle that installation of equipment or parts after it leaves the factory may void the factory warranty. Failure to provide this disclosure will result in the auto dealer being held responsible for the remainder of the warranty and any loss in residual value of a leased vehicle. Vote 17-0.

#### **Amendment (1394h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Restriction on Certain Fees to be Collected at Culmination of Lease. Amend RSA 361-D by inserting after section 28 the following new section:

361-D:29 Restriction on Certain Fees to be Collected at Culmination of Lease. No final settlement costs shall be assessed to the lessee at the culmination of the lease other than those attribut-

able to excessive wear or damage, or depreciation costs in early lease terminations or any other final settlement costs as disclosed to the lessee at the inception of the lease, in accordance with RSA 361-D:17, III. All such final settlement costs shall be itemized and disclosed in plain 12-point type on a separate disclosure statement included in the lease contract and signed by the lessee at the inception of the lease.

2 Lease Agreement; Form and Contents; Requirement for Disclosure Concerning Void of Warranties Where Any Equipment is Added to Leased Vehicle. Amend RSA 361-D:3, III(1) to read as follows:

(1) A statement identifying all express warranties and guarantees made by the manufacturer or lessor with respect to the leased motor vehicle, except when the standard manufacturer's warranty applies, then the warranty may be identified by a reference to the standard manufacturer's warranty, and identifying the party responsible for maintaining or servicing the leased property together with a description of the responsibility. The lease agreement shall also include a disclosure statement which notifies the lessee that warranties on the motor vehicle may be void in the event of installation of any equipment after the vehicle leaves the factory. Failure to notify the lessee shall result in the lessor being made responsible for the loss of any residual value assessed at the outset of the lease.

3 New Paragraph; Enforcement of Warranties; Requirement for Disclosure Concerning Void of Warranties Where Any Equipment is Added to Purchased Vehicle. Amend RSA 357-D:3 by inserting after paragraph II the following new paragraph:

II-a. Sellers or lessors of motor vehicles shall disclose to the consumer that warranties on purchased or leased motor vehicles may be void in the event of installation of any equipment installed after the vehicle leaves the factory. Failure to notify purchasers or lessees shall subject the dealer to the following penalties:

(a) The motor vehicle dealer shall be responsible for honoring the remainder of the warranty.

(b) Lessors shall be responsible for the loss of any residual value, as defined in RSA 361-D:1, XII, assessed for the vehicle.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides for voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory and provides penalties for failure to disclose this information to consumers.

**SB 59-L**, relative to bonding of animal owners convicted of animal cruelty. **OUGHT TO PASS**  
Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill adds a paragraph to RSA 644:8IV which says the following: "If a person convicted of cruelty to animals appeals the conviction and any confiscated animal remains in the custody of the arresting officer or the officer's designee pending disposition of the appeal, in order for the appellant to maintain a future interest in the animal, the trial court may require the appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during appeal. If the conviction is affirmed on appeal, the costs incurred for the board and care of the animal shall be paid to the custodian from the posted security and the balance, if any, returned to the person who posted it". As you can see from this new paragraph, we are talking about 3 issues. One, if the person appeals a conviction, two, if the person wants to maintain an interest in the animal and third they pay for the custodial costs during the appeal. The committee felt this was appropriate relief because the person who appeals has already been convicted and some offenders are using the present law as a tool to rack up expenses so a prosecutor will strike a deal to save the department money it really does not have. There was no testimony against the bill. Vote 13-1.

**SB 163**, establishing a commission to study methods for reducing violent incidents involving children and guns. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frank D. Callaghan for Criminal Justice and Public Safety: This bill was heard on May 12, 1999. The bill establishes a commission to study the issues of violent incidents involving children and firearms. There are many members included on this commission to study an issue that has become front-page news during the last few months. The committee amendment adds a rep-

representative of a firearms manufacturer, a federally licensed firearms dealer, five members of the general public, three of whom shall be mental health practitioners specializing in child and adolescent mental health, and four additional members of an organized sportsman's club to represent each executive councilor district. (5) An extreme effort has been made to have members of all stakeholders in the issue represented as well as regional areas within the State of New Hampshire. The duty of the commission is to identify the problems associated with violent incidents involving our children, suggest programs that would help to reduce or minimize the causes of the extreme violence manifesting itself in our youthful society. The committee believes that to focus merely on the objects used by violent children does not begin to solve the underlying behavioral patterns that have been the central point of shocking news accounts of incidents in our state's schools. The committee further believes that there are programs in place elsewhere that can be identified as successful and might be replicated in our state. The commission will report its findings after extensive study of violent incidents and suggest methods to reduce such violent behavior that may or may not necessitate legislation. The commission is constituted of professionals and lay persons from a cross section of our society and can invite others to participate. There is no quorum requirement, which means that those members of the commission that make an effort to attend and participate will not be hindered when some appointees fail to attend. This commission is focused on producing results that can be translated into action to identify sources of problems and sources of solutions. In the past the general court has had legislation before it that would have made parents criminally responsible for the actions of their children. This has usually been unsuccessful. Children need to be accountable for their actions and realize that there are consequences to bad behavior. Parents need to know that their responsibility is to prepare children to be responsible citizens and that they are responsible for some of the poor choices that their children make. It is hoped that this commission will succeed in bringing all parties together to work toward a common solution Vote 14-0.

#### **Amendment (1461h)**

Amend paragraph I of section 2 by replacing it with the following:

I. The members of the commission shall be as follows:

- (a) Two members of the senate, who shall be selected from the judiciary committee, appointed by the president of the senate.
- (b) Two members of the house of representatives, who shall be selected from the criminal justice and public safety committee, appointed by the speaker of the house.
- (c) The commissioner of the department of safety, or designee.
- (d) The commissioner of the department of education, or designee.
- (e) The attorney general, or designee.
- (f) The president of the County Attorneys Association, or designee.
- (g) A representative of a sportsman's club from each executive councilor district, appointed by the governor.
- (h) The president of Gun Owners of New Hampshire, or designee.
- (i) A representative of the Injury Prevention Center at Lahey-Hitchcock Medical Center.
- (j) A representative of the New Hampshire School Boards Association.
- (k) A representative from the New Hampshire School Administrators Association.
- (l) A representative from the New Hampshire Association of School Principals.
- (m) A representative from the New Hampshire Congress of Parents and Teachers, Inc.
- (n) A pediatrician from the New Hampshire Medical Society.
- (o) A representative from the New Hampshire Firearms Safety Coalition.
- (p) A representative from New Hampshire Cease Fire.
- (q) A high school student from each of the 5 regions of the New Hampshire School Administrators Association, selected by the chairperson of that region.
- (r) A representative from New Hampshire Educators for Social Responsibility.
- (s) A representative of a firearms manufacturer, appointed by the governor.
- (t) A federally licensed firearm dealer, appointed by the governor.
- (u) Five members of the general public, 3 of whom shall be mental health practitioners specializing in child and adolescent mental health, and one of whom shall be a representative of the New Hampshire Council of Churches, all to be appointed by the governor.

**SB 92-FN**, relative to education grants funded by the companion animal neutering fund. **INEXPEDIENT TO LEGISLATE**

Rep. Suzan L.R. Franks for Environment and Agriculture: This act would dedicate funds presently used to spay and neuter cats and dogs towards heightening public awareness of the need for animal neutering.

Currently, the state veterinarian provides brochures covering the program, and testified that he believes that these dollars would be best maintained for spaying and neutering cats and dogs. Therefore, the Committee believes this bill should be found inexpedient to legislate at the present time. Vote 15-0.

**SB 57**, permitting challenges to judges. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This bill would permit each party in a court case one challenge to the justice assigned to the case for any reason whatsoever. Presently, statutes allow for a request of recusal for cause. Judges may recuse themselves whenever a conflict arises. The committee feels that were this bill to pass it would be disruptive to the justice system particularly in less populated areas of the state where the number of judges is limited. It would also cause delays in trials thus inconveniencing litigants and greater expense to the public and the judicial system. The committee feels that a more narrowly structured bill may be the appropriate route to pursue on this subject matter. Vote 14-1.

**SB 67**, limiting liability resulting from the use of automatic external defibrillation. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: It is the intent of this legislation to encourage the use and availability of automatic external defibrillators (AED's). AED's are medical devices which are capable of determining if defibrillation should be performed and then automatically delivering an electric impulse which hopefully restarts the heart. The bill provides immunity for any person using an AED in an emergency situation absent gross negligence. It also requires those expecting to use AED's to receive training in CPR (cardiopulmonary resuscitation) and AED operation. The committee basically rewrote the senate version to include an "intent" section, a concise definition of "automatic external defibrillation", and a section requiring training in CPR and AED operation. Vote 12-1.

**Amendment (1431h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; Automatic External Defibrillation. Amend RSA 151-B by inserting after section 24 the following new subdivision:

Automatic External Defibrillation

151-B:25 Intent.

I. The use of automatic external defibrillators addresses an important public health problem in New Hampshire. It is the intent of the legislature to encourage the use and availability of automatic external defibrillators, along with training in the use of automatic external defibrillators, for the purpose of saving the lives of people in cardiac arrest.

II. Further, the legislature strongly encourages dissemination of educational information regarding automatic external defibrillators and encourages that access to these lifesaving devices be made widely available to businesses, schools, fire and police departments, and other public and private organizations throughout the state.

151-B:26 Definitions. For purposes of this subdivision, "automatic external defibrillator" means a medical device which combines a heart monitor and defibrillator and:

- I. Has been approved by the United States Food and Drug Administration;
- II. Is capable of recognizing the presence or absence of ventricular fibrillation;
- III. Is capable of determining whether defibrillation should be performed; and
- IV. Automatically charges and requests delivery of an electrical impulse to an individual's heart, upon determination that defibrillation should be performed.

151-B:27 Every person, association, corporation or other organization that acquires an automatic external defibrillator shall require every individual expected to use the automatic external defibrillator to receive training in cardiopulmonary resuscitation and automatic external defibrillator use.

151-B:28 Liability Limited. Any person who, in good faith and without compensation, renders emergency care by the use of an automatic external defibrillator shall not be liable for civil dam-

ages for any acts or omissions unless the acts or omissions were grossly negligent or willful and wanton. Any person, association, corporation or other organization that acquires and maintains an automatic external defibrillator for emergency care shall not be liable for civil damages other than for gross negligence or willful and wanton acts or omission. This section does not limit civil liability protection provided by any other law.

2 Effective Date. This act shall take effect upon its passage.

**SB 146**, granting district courts exclusive jurisdiction over actions involving certain real estate purchase deposits held in escrow accounts. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary: The Real Estate Commission worked with the courts to come to a solution that does not require new legislation. The anecdotal evidence suggests that some escrow cases involving real estate were automatically being moved up to superior court even though only those needing a jury trial or with title disputes have to be. Other cases can and should be handled in district court. The administrative judge of the district courts has agreed to issue instructional materials to all court personnel explaining the circumstances when cases need to be sent to superior court. Vote 14-0.

**SB 159**, relative to early reduction of greenhouse gases. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Jeb E. Bradley for Science, Technology and Energy: This bill authorizes the New Hampshire Department of Environmental Services (DES) to establish a registry for sources of greenhouse emissions that voluntarily wish to reduce such emissions. Use of a registry would allow emissions sources to receive credit for voluntary emissions reductions in the event there are national greenhouse gas standards in the future. Use of a registry would establish an emissions baseline, which would quantify and document achieved reductions. In the event of national controls on greenhouse gases, a source would be able to receive credit for reductions already made voluntarily. In the public hearing there was no opposition to the bill due to its strictly voluntary nature and the fact that a registry offers protection for quantified emission reductions. It was indeed supported by both the environmental and business communities. DES testified that creation of this registry could be accomplished within existing departmental resources. Vote 13-0.

#### **Amendment (1467h)**

Amend paragraph I of section 1 of the bill by replacing it with the following:

I. The general court assumes that, based on numerous ongoing scientific studies being conducted worldwide, there exists a possible human influence on global climatic change. The general court finds that it is in the best interest of the state of New Hampshire, the United States of America, and the earth as a whole, to encourage the voluntary undertaking of economically beneficial reductions of greenhouse gas emissions from New Hampshire sources.

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. The general court further finds that, although New Hampshire sources contribute only a minute proportion of the total greenhouse gases emitted annually in the United States and the world, the state's past initiative in undertaking early and responsible action to reduce its similarly minor contribution to other air pollution problems, including but not limited to acid rain, toxic air pollution, and ozone smog, has demonstrated political, economic, and technological leadership, which has served the state well in subsequent negotiations with other, more culpable jurisdictions and with the Environmental Protection Agency. The general court finds that the state's tradition of environmental leadership should be continued through the establishment of a registry to provide state recognition of early greenhouse gas emissions reductions voluntarily achieved by New Hampshire sources.

Amend RSA 125-L:1, IV as inserted by section 2 of the bill by replacing it with the following:

IV. "Greenhouse gas" means but is not limited to such gases as carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.

Amend RSA 125-L:2 as inserted by section 2 of the bill by replacing it with the following:

125-L:2 Registry. In order to help protect the interests of New Hampshire sources and the state's economy under a future federal regulatory scheme relating to greenhouse gas emissions, and to help encourage the voluntary reduction of greenhouse gas emissions by New Hampshire sources, the department shall establish and administer a registry whereby sources of greenhouse gas emissions

may record and register early, voluntary greenhouse gas emissions reductions made after 1990. The purpose of this registry shall be to help sources establish a baseline against which any future federal greenhouse gas emissions reduction requirements may apply. Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Particulate Matter Registry Study. The commissioner of environmental services shall conduct a study to determine whether creating a particulate matter registry similar to the greenhouse gas registry established by RSA 125-L:2 as inserted by section 2 of this act would provide an overall benefit to the state. The commissioner shall report the results of this study, along with any recommendations for legislation, to the state library, the house science, technology and energy committee, and the senate environment committee on or before November 1, 1999.

#### AMENDED ANALYSIS

This bill establishes a registry for voluntary greenhouse gas emission reductions in order to create an incentive for and reward those greenhouse gas sources which voluntarily reduce such emissions before being required to do so.

This bill also requires the commissioner of environmental services to conduct a study to determine whether creating a particulate matter registry similar to the greenhouse gas emissions registry would provide an overall benefit to the state.

#### **HB 301**, relative to burials and funerals at the New Hampshire state veterans cemetery. **OUGHT TO PASS WITH AMENDMENT**

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: This is a policy stating a veteran shall be entitled to burial within a reasonable time after notification to appropriate cemetery personnel by a funeral director or a family member of the veteran, provided weather conditions permit the burial. This bill gives the family of the deceased veteran the option of a chapel service or graveside service. The state shall not be responsible for any costs associated with a funeral service not offered by any federal cemetery. The amendment solely changes the effective date from 60 days after passage to immediately upon passage. Vote 18-0.

#### **Amendment (1428h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; State Veterans Cemetery; Burials and Funeral Services. Amend RSA 110-B:77 by inserting after paragraph II the following new paragraph:

III. A veteran shall be entitled to burial within a reasonable time after notification to appropriate cemetery personnel by a funeral director or a family member of the veteran, provided that weather conditions permit the burial. The family of the deceased veteran shall have the option of a chapel service or graveside service. The service may contain any or all customs and practices usual at a military funeral, including but not limited to, gun salutes, honor guards, and the playing of taps. The state shall not be responsible for any costs associated with a funeral service that is not offered by any federal cemetery.

2 Effective Date. This act shall take effect upon its passage.

#### **HB 665**, relative to the New Hampshire emergency management compact with other jurisdictions. **OUGHT TO PASS**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: This bill makes laws governing the state's emergency management compact consistent with laws of cooperating jurisdictions for the purpose of providing mutual assistance between jurisdictions when a disaster or emergency occurs. This emergency management assistance compact would, when entered into by and between the participating party jurisdictions, include 13 articles of compliance. Vote 18-1.

#### **HCR 7**, urging the federal government not to adopt certain proposed rules requiring financial institutions to monitor their customers' banking habits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: This resolution sends a message to the federal government that the citizens of New Hampshire do not want rules implemented that would require the financial institutions to monitor customer's banking habits based on their deposit and withdrawal patterns in its attempt to identify illegal sources of funds. Such a role is unnecessary and interferes with private contractual relationships. It is an invasion of privacy. It



amounts to an illegal search and seizure and is a violation of the fourth amendment of the United States Constitution. The amendment changes the language in the resolution from present to the future as this proposal was withdrawn at the federal level. Vote 18-1.

### **Amendment (0867h)**

Amend the title of the resolution by replacing it with the following:

**A RESOLUTION** urging the federal government not to adopt rules requiring financial institutions to monitor their customers' banking habits.

Amend the resolution by replacing all after the title with the following:

Whereas, the federal government was proposing to adopt rules requiring financial institutions first to monitor their customers' banking habits by determining their deposit and withdrawal patterns and second to attempt to identify the source of funds of some customers' deposits; and

Whereas, financial institutions might have been required not to do business with customers who out of concern for the privacy of their financial transactions refuse to provide information about their account activity; and

Whereas, the purpose of these proposed rules was to uncover illegal money laundering activities; and

Whereas, these proposed rules would have compelled private financial institutions to become investigative arms of the federal government; and

Whereas, these proposed rules could have been readily circumvented by those engaged in illegal money laundering, leaving honest customers to bear unnecessarily their continuing burden; and

Whereas, the federal government would have then been in possession of information to which it had no right and which it might find itself tempted to use for other purposes without the account holders' knowledge or permission; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That such proposed involvement in the future by the federal government in the financial lives of the residents of our state:

(a) Is an unnecessary interference in private contractual relationships;

(b) Is an inappropriate and unacceptable invasion of privacy of the residents of this state that far outweighs any law enforcement objectives;

(c) Is an illegal search and seizure in violation of the Fourth Amendment of the United States Constitution; and

That such or any similar involvement in the future by the federal government in the lives of the residents of our state must never be allowed to occur; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Vice President of the United States, the members of the New Hampshire congressional delegation, and the Federal Deposit Insurance Corporation.

### **AMENDED ANALYSIS**

This house concurrent resolution urges the federal government not to adopt rules requiring financial institutions to monitor their customers' banking habits.

**HCR 11**, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds. **OUGHT TO PASS**

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: This resolution urges the Internal Revenue Service to change its regulations with regard to use of a qualified trust for purposes of funding nuclear plant decommissioning. Currently there would be a tax penalty if a state chose to accelerate funding for nuclear decommissioning to a period shorter than the expected life of the plant. This possible tax penalty would discourage state efforts to accelerate decommissioning if a state chooses to do so. Many of the nation's nuclear plants have closed prematurely while several are seeking permit extensions. The committee believes states should be able to control the decommissioning process without facing tax penalties. The committee is also aware that utilities throughout the nation are urging the adoption of this common sense policy by the Internal Revenue Service. Vote 15-0.

**HJR 4**, urging the federal government to support telephone number conservation. **INEXPEDIENT TO LEGISLATE**

Rep. Dean Ouellette for State-Federal Relations and Veterans Affairs: A similar bill has already passed the House and is before the Senate. The committee felt this bill would be a duplicate and is not needed. Vote 15-2.

**SJR 1**, supporting the reduction of the sulfur content of gasoline. **OUGHT TO PASS**

Rep. Griffin Dalianis for State-Federal Relations and Veterans Affairs: This resolution seeks to persuade the US Congress to support reducing sulfur content in gasoline. Sulfur is harmful because it renders a car's catalytic converter inactive. Sulfur also is a major contributor to haze and acid rain, which causes impacts to our tourism and natural resource industry. DES testimony stated that sulfur reduction would cost one to two cents. Vote 16-0.

**REGULAR CALENDAR****HB 399**, allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary. **OUGHT TO PASS WITH AMENDMENT**

Rep. James R. Splaine for Election Law: After several hours of discussion and public hearings, the committee unanimously recommends this important bill for passage. The bill, as amended, will do four (4) things that will contribute toward preserving the integrity and credibility of the NH First-In-The-Nation Presidential Primary for Year 2000 and beyond: 1.) It gives additional flexibility to the Secretary of State to move the NH presidential primary to a date that is "7 days or more immediately preceding the date on which any other state shall hold a similar election." This provision gives a clear message to presidential candidates, their organizations and the other states that New Hampshire is ready and willing to move its primary ahead as necessary to protect our "first" status. 2.) It gives greater flexibility to the Secretary of State by allowing the NH presidential primary to be held in "the year previous" to the year in which the president is chosen. The current law restricts the primary to the year in which the president is chosen. This provision makes it clear to other states that should they try to set a primary or similar election prior to our scheduled date, that we would be ready and willing to move our primary, as needed, to protect our "first" status. 3.) It moves the filing period for candidates running for president up a month and expands the filing period by a week, to the first Monday in November for a three-week filing period. Current law begins the filing period at the first Monday in December for a two-week filing period. 4.) Perhaps most important, the bill creates a "Findings and Purpose" opening clause, which encourages all presidential candidates to honor the tradition of the NH First-In-The-Nation Presidential Primary by asking that they not participate in any primary which is held by another state within seven days after New Hampshire. The Findings and Purpose clause states: "The general court finds that it is imperative to support the tradition of the New Hampshire first-in-the-nation presidential primary and to encourage candidates to honor the law which requires that New Hampshire's primary precede any similar election by 7 days. New Hampshire has held its presidential primary 7 or more days before the primary of any other state since at least 1920, and has statutorily required such precedence since 1976. However, recent efforts by other states to usurp New Hampshire's first-in-the-nation primary status necessitates legislative action to preserve the history, integrity and tradition of the New Hampshire primary. In lieu of substantial changes to the law of this state, however, the general court prefers to rely on the cooperation of candidates willing to declare their support for the first-in-the-nation primary tradition by pledging not to file or campaign in any state that holds its primary within 7 days of New Hampshire. It is, therefore, the intent of the general court to encourage candidates to honor the New Hampshire primary tradition, while establishing greater flexibility for the secretary of state in determining the presidential primary state." By providing for this unique "Findings and Purpose" clause, this bill will encourage candidates not to take part in the primary of another state that may choose to come within 7 days of our primary. It was the consensus of the committee that the New Hampshire First-In-The-Nation Presidential Primary could become meaningless and irrelevant unless we are able to get the cooperation of other states and candidates in the way detailed by this bill. If we encourage presidential candidates not to participate in other primaries that come with 7 days of New Hampshire's primary, we will protect the integrity, credibility and tradition of our "first" status. Vote 19-0.

**Amendment (1304h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary and changing the filing period for declarations of candidacy for candidates for president and vice-president at the presidential primary.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The general court finds that it is imperative to support the tradition of the New Hampshire first-in-the-nation presidential primary and to encourage candidates to honor the law which requires that New Hampshire's primary precede any similar election by 7 days. New Hampshire has held its presidential primary 7 or more days before the primary of any other state since at least 1920, and has statutorily required such precedence since 1976. However, recent efforts by other states to usurp New Hampshire's first-in-the-nation primary status necessitate legislative action to preserve the history, integrity, and tradition of the New Hampshire primary. In lieu of substantial changes to the law of this state, however, the general court prefers to rely on the cooperation of candidates willing to declare their support for the first-in-the-nation primary tradition by pledging not to file or campaign in any state that holds its primary within 7 days of New Hampshire. It is therefore the intent of the general court to encourage candidates to honor the New Hampshire primary tradition, while establishing greater flexibility for the secretary of state in determining the presidential primary date.

2 Elections; Election of Officers and Delegates; Election Dates; Presidential Primary Election; Selection by Secretary of State. Amend RSA 653:9 to read as follows:

653:9 Presidential Primary Election. The presidential primary election shall be held on the second Tuesday in March or on [the] a Tuesday selected by the secretary of state which is [at least] 7 days or more immediately preceding the date on which any other state shall hold a similar election, whichever is earlier, of each year when a president of the United States is to be elected or the year previous. Said primary shall be held in connection with the regular March town meeting or election or, if held on any other day, at a special election called by the secretary of state for that purpose.

3 Elections; Nominations; Presidential Nominations; Declaration of Candidacy; Filing Period. Amend RSA 655:47, II to read as follows:

II. Declarations of candidacy shall be filed between the first Monday in [December and the Friday of the following week] November and the third Friday in November.

4 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill permits the secretary of state to select a date for the presidential primary which is on a Tuesday 7 days or more prior to a similar election in any other state and provides that the presidential primary may be held in the year prior to a presidential election year. This bill also changes the filing period for declarations of candidacy for candidates for president and vice-president at the presidential primary election from December to November.

Adopted.

Reps. Splaine, Guay and Arndt spoke in favor.

Rep. Flanagan requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 329 NAYS 5****YEAS 329****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Millham, Alida  
Thomas, John

Boriso, Thomas  
Johnson, James  
Rice, Thomas  
Turner, Robert

Boyce, Robert  
Lawton, David  
Rosen, Ralph  
Wendelboe, Francine

Czech, Stanley  
Lawton, Robert  
Salatiello, Thomas

**CARROLL**

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Sullivan, P Judith

Howard, Godfrey  
Mock, Henry  
Torresen, Gary

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Riley, William  
Royce, H Charles

Batchelder, Robert  
Hunt, John  
Manning, Joseph  
Pratt, Irene  
Roberts, William  
Russell, Ronald

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Robertson, Timothy  
Zerba, Roger

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Richardson, Barbara  
Rose, William

**COOS**

Davis, Perley  
Landers, Dana  
Rodrigue, Robert

Glines, Sara  
Mears, Edgar  
Tholl, John, Jr

Guay, Lawrence  
Merrill, Gerald  
Woodward, David

Horton, Lynn  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Cobb, John  
Eaton, Stephanie  
Ham, Bonnie  
Marshall, Gene  
Scanlan, David

Alger, John  
Copenhaver, Marion  
Gilman, G Michael  
Hinman, Harry  
Mirski, Paul  
Weber, Phil

Almy, Susan  
Densmore, Jessica  
Guest, Robert  
LaMott, Paul  
Phinney, William

Brothers, Richard  
Dudley, Terri  
Hall, David  
MacNeil, Allen  
Picconi, Al

**HILLSBOROUGH**

Ahern, Richard  
Baroody, Benjamin  
Bergeron, Lucien  
Burkush, James  
Clegg, Robert, Jr  
Coughlin, Pamela  
Daniels, Gary  
Drabinowicz, A  
Fenton, James  
Foster, Linda  
Ginsburg, Ruth  
Hall, Betty  
Holley, Sylvia  
Johnson, Lionel  
LaPorte, George  
Leishman, Peter  
Lynde, Harold  
McCarty, Winston  
McRae, Karen  
Moran, Edward  
O'Connell, Timothy  
Pepino, Leo  
Rowe, Robert  
Tate, Joan  
White, Donald

Andrews, Frederick  
Batula, Peter  
Bergin, Peter  
Calawa, Leon, Jr  
Clemons, Jane  
Craig, James  
Desmarais, Vivian  
Durham, Susan  
Fields, Dennis  
Franks, Suzan  
Goley, Jeffrey  
Hansen, Herbert  
Hunter, Bruce  
Keye, Harvey  
LaRose, Richard  
Leonard, Peter  
MacGillivray, Jeffrey  
McDonald, James, Sr  
Mendenhall, Leslie  
Moriarty, Mary  
O'Hearn, Jane  
Peterson, Andrew  
Sarette, John  
Thulander, O Alan  
White, John

Arnold, Thomas, Jr  
Beaupre, Roland  
Bruno, Pierre  
Carlson, Donald  
Cote, David  
Daigle, Robert  
Desrosiers, William  
Dyer, Merton  
Fletcher, Richard  
Gagnon, Eugene  
Gorman, Mary  
Herman, Keith  
Jean, Claudette  
Kurk, Neal  
Lasky, Bette  
Lessard, Rudy  
Martel, Andre  
McDonough-Wallace, Alice  
Mercer, Robert  
Mosher, William  
Ouellette, Dean  
Reeves, Sandra  
Sargent, Maxwell  
Turgeon, Roland  
Williams, Carol

Arthur, Rose  
Belvin, William  
Buckley, Raymond  
Christiansen, Lars  
Cote, Peter  
Dalianis, Griffin  
Dokmo, Cynthia  
Emerton, Lawrence  
Flora, Kathleen  
Garrish, Linda  
Goulet, Maurice  
Herman, Richard  
Jean, Loren  
L'Heureux, Robert  
Lefebvre, Roland  
Lozeau, Donnalee  
Martin, Mary  
McGough, Tim  
Messier, Irene  
Murphy, Robert  
Pappas, Marc  
Reidy, Frank  
Simon, Anthony  
Vaillancourt, Steve  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Chase, George  
Fortnam, Janet  
Hess, David  
Larrabee, David, Sr  
Marshall, Kenneth  
Owen, Derek  
Soltani, Tony  
Wallner, Mary Jane

Asplund, Bronwyn  
Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Lavoie, Gerard  
Maxfield, Roy  
Potter, Frances  
St Cyr, Gerard  
Whalley, Michael

Bouchard, Candace  
Davis, Francis  
Gile, Mary  
Jacobson, Alf  
Leber, William  
Moore, Carol  
Rodd, Beth  
Virtue, Carolyn  
Whitemore, James

Brewster, Richard  
Feuerstein, Martin  
Hager, Elizabeth  
Kennedy, Richard  
Marple, Richard  
Nichols, Avis  
Seldin, Gloria  
Wallin, Jean  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
 Blanchard, MaryAnn  
 Cox, Russell  
 Downing, Michael  
 Flanders, John, Sr  
 Griffin, Mary  
 Kane, Cecelia  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Moore, Benjamin  
 Nowe, Ronald  
 Packard, Sherman  
 Putnam, Ed, II  
 Ruffner, Walter  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Verani, Giovanni  
 Whittier, John

Arndt, Janet  
 Bridle, Russell  
 Dalrymple, Janeen  
 Fesh, Robert  
 Francoeur, Sheila  
 Hutchinson, Karen  
 Katsakiores, George  
 Langley, Jane  
 Major, Norman  
 Morse, Charles  
 Noyes, Richard  
 Pantelakos, Laura  
 Quandt, Marshall  
 Sapareto, Frank  
 Splaine, James  
 Tufts, J Arthur  
 Weare, Everett  
 Zolla, William

Beaulieu, Jon  
 Case, Margaret  
 DiFruscia, Anthony  
 Flanagan, Natalie  
 Gleason, John  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Langone, John  
 McKinney, Betsy  
 Norelli, Terie  
 O'Keefe, Patricia  
 Pitts, Jacqueline  
 Raynowska, Bernard  
 Schanda, Frank  
 Stickney, Nancy  
 Varrell, Thomas  
 Welch, David

Belanger, Ronald  
 Clark, Martha  
 Dolan, Richard  
 Flanders, David  
 Grant, Kenneth  
 Johnson, Robert  
 Kelley, Jane  
 Letourneau, Robert  
 Mikowski, Walter  
 Nowe, Mary Lou  
 O'Neil, Michael  
 Priestley, Anne  
 Reardon, Neil  
 Shelton, Richard  
 Stone, Joseph  
 Vaughn, Charles  
 Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
 Brown, Julie  
 Estabrook, Iris  
 Keans, Sandra  
 Musler, George  
 Smith, Marjorie  
 Torr, Franklin  
 Woods, Phyllis

Bickford, David  
 Cossette, Larry  
 Gilmore, Gary  
 Lent, Donald  
 Pelletier, Arthur  
 Snyder, Clair  
 Twarous, Joseph

Brennan, William  
 DeChane, Marlene  
 Johnson, Nancy  
 Lundborn, Raymond  
 Rogers, Rose Marie  
 Spang, Judith  
 Vincent, Francis

Brown, George  
 Dunlap, Patricia  
 Kaen, Naida  
 McKinley, Robert  
 Rollo, Michael  
 Taylor, Kathleen  
 Wall, Janet

**SULLIVAN**

Allison, David  
 Jones, Constance  
 Robb-Theroux, Amy

Cloutier, John  
 Kibbey, David  
 Wiggins, Celestine

Donovan, Thomas, Jr  
 Leone, Richard  
 Young, David

Flint, Gordon, Sr  
 Phinizy, James

**NAYS 5****BELKNAP**

Wood, Jane

**CARROLL**

None

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

None

**HILLSBOROUGH**

Dwyer, Paul, Sr

Melcher, Harold

**MERRIMACK**

Lockwood, Priscilla

**ROCKINGHAM**

None

**STRAFFORD**

None

**SULLIVAN**

Tuthill, John

and the report was adopted.  
Ordered to third reading.

**REMARKS**

Rep. Letourneau moved that the remarks made by Reps. Splaine, Guay and Arndt on House Bill 399 be printed in the Journal.

Adopted.

Rep. Splaine: Thank you, Madam Speaker and members of the House. This, I think, will be a rather quick debate and dialogue. The committee has done some tremendous work on this during the past several months. In over six hours of discussion and public hearing, we tried to figure out how we could maintain, preserve and protect the "First-in-the-Nation" status for New Hampshire. Because it is so important that we give a positive message to other states with this bill or whatever we may pass, the committee is taking an unusual step in asking, as a committee, for a roll call so that we can let after this legislation passes, should it pass, other states know of New Hampshire's determination to protect and preserve our "First-in-the-Nation" status. I just have a couple of things to say about this legislation. First, to bring you up-to-date with something very important is how we got here from there. The New Hampshire Primary is part of New Hampshire's tradition. As we saw people recognized earlier today, it is something that sets us apart from the rest of the country, the rest of this nation. We have had a primary that has come first since 1920 when we started sending delegates to the national Democratic and Republican conventions. In 1952, a second important date in the New Hampshire Presidential Primary history, we had a process whereby the names of candidates running for President would now be placed on the ballot. That is the modern-day primary process that we experience. A third important time came in 1976 when legislation I sponsored guaranteed New Hampshire's "First-in-the-Nation" status by saying that we would, indeed, be one week ahead of any other state. If we had not done that in 1976 as a Legislature, I think we would have lost the primary during the past 25 years. And 1999 is a fourth important step. By passage of this legislation that the Committee is recommending, we are going to be able to negotiate with the other states and give our Secretary of State the flexibility he needs and the tools he needs to be able to keep New Hampshire first. This legislation does four things and we put it in the blurb so I didn't have to repeat it all to you. Number one, it lets the Secretary of State be able to move the primary seven days or more ahead of any other state. Right now, he is limited by law, the 1976 law I had sponsored, to seven days. Secondly, it allows the Secretary of State to be able to move it into the previous year, i.e., December, in order to be able to respond to other states that might try to predate us. Third, it changes the filing period from a current first Monday in December to the first Monday in November. This allows the candidates to get out there sooner and it also allows the Secretary of State to be able to adjust the primary date quicker should he need to. Fourth it encourages with, I think, an interesting approach, the "Findings and Purpose" clause at the beginning. It encourages the cooperation of all the presidential candidates to appreciate, recognize and accept the tradition of the New Hampshire "First-in-the-Nation" primary by agreeing not to participate or campaign in any other state that holds a similar election within seven days of New Hampshire. We are not asking them to pledge. We are not asking them to sign anything. We are asking through this legislation to respect our tradition. Let me close by saying that there are certainly plenty of reasons, I think all of us appreciate, that we remain first in the election process. It is good for democracy. As Hugh Gregg has told us a number of times, and he has been here today working on behalf of this legislation and Governor Shaheen supports this legislation and she said the same thing, too, that it provides a way for the candidates themselves to become a little bit educated as well as voters to become educated to the candidacies. When it gets beyond New Hampshire we don't have

that luxury. They end up on airport campaigns. They end up hiding behind podiums. They end up in motorcades, but in New Hampshire they have to come onto our streets and sidewalks and into our living rooms and that is vitally important. By passage of this legislation, we can encourage states like Delaware not to try to come within the seven-day period of New Hampshire. Not saying that no other state should have a primary, but that there are other things that they can do such as caucuses and straw polls and respect the long-held, 80-year tradition of the New Hampshire "First-in-the-Nation" presidential primary. Thank you very much.

Rep. Guay: Thank you, Madam Speaker. Members of the House, I think that the primary in this state is very important for us in many categories. The reasons that I appear here before you today is relative to the three persons that you saw that served for a long, long time in the state as elected officials that we honored today. There is a gentleman Alcide Valliere, that wanted me to read a little message to you because he wanted to say so himself. But before I do that, I wanted to let you in on a little secret. When you get your Red Book and you see the picture where Alcide Valliere is and you look at the flag of the City of Berlin, on one side of the flag is my hand which you don't see holding that flag and on the other side of it is the ex-governor Gregg that's pulling on the other side and I'm telling him, "Hold it tight. Hold it tight." So, this is the little secret that's in this picture that you don't see. So we were making history there. Alcide Valliere has been honored to serve for 66 years. He wanted me to tell you, "I have worked as an election official in every presidential primary since the 1930s." He wants you to remember these words, "Long live the 'First-in-the-Nation' presidential primary." I hope today when we have a vote we have a good solid vote on this issue to show the rest of the nation that we mean business and we want to keep it here. Thank you.

Rep. Arndt: Thank you, Madam Speaker. Today, the Election Law Committee is asking you to join them in supporting House Bill 399 to help keep New Hampshire the "First-in-the-Nation" presidential primary. The committee has listened to hours of testimony from past as well as present participants in making New Hampshire "first." The citizens of our great state have done a commendable job for the nation, asking the tough questions and gleaning an accurate picture of candidates from which to choose. Much discussion ensued around ways to keep New Hampshire "first" as other states have and continue to challenge our position. When the final solution was agreed upon, the Election Law Committee unanimously supported the bill that you have before you. We are in a historic session. Let your vote today, to keep New Hampshire as the "First-in-the-Nation" presidential primary state, be historic in preserving our position for our citizens in the years to come. Please join our committee in the 19-0 vote of Ought to Pass.

### REGULAR CALENDAR (CONT'D.)

**HB 493-FN**, relative to alteration of sample ballots. RE-REFER TO COMMITTEE

Rep. Janet S. Arndt for Election Law: This bill prohibits the alteration of "official" sample ballots. The committee would like this bill re-referred in order to find a solution that will be enforceable and constitutional. Vote 9-3.

Adopted.

**SB 195-FN-A**, appropriating funds for sludge testing. OUGHT TO PASS

Rep. Betty B. Hall for Environment and Agriculture: Testing the quality of sludge is an important part of the new sludge rules and this bill will help the municipalities with costs. It does not require new money. Vote 16-0.

Adopted and referred to Finance.

**HB 684**, allowing the department of health and human services to accept and expend federal reimbursement funds. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance: The amendment replaces the bill. The amendment provides for supplemental appropriations to the Department of Health and Human Services for FY 99 to deal with shortfalls in several accounts. These include (1) additional provider payments for hospital, medical and pharmaceutical products and services for people on Medicaid; (2) additional payments for court-ordered placements of children in foster and residential care; and (3) additional payments for departmental computer and data services provided by Administrative Services. The cost of these

appropriations is partially offset by additional federal funds for covered services provided by the department in prior years and by reductions in personnel services and benefits. These appropriations are necessary so that providers and others may be promptly paid.

Finally, the amendment also provides for increased contributions to retired state employees' health insurance premiums which have risen faster than anticipated.

The net cost to the general fund of this amendment is approximately \$7.6 million. Vote 20-1.

**Amendment (1504h)**

Amend the title of the bill by replacing it with the following:

AN ACT making adjustments to the fiscal year 1999 budget for the department of health and human services.

Amend the bill by replacing all after the enacting clause with the following:

I Funds Lapsed; Department of Health and Human Services. Notwithstanding any other provision of law, the following amounts shall lapse to the general fund from the department of health and human services.

I. \$558,317 in state fiscal year 1999 from PAU 05-01-03-02-05, class 000, revenue account 3881 (Federal Funds, Title IV-E, Foster Care).

II. \$939,137 in state fiscal year 1999 from PAU 05-01-03-02-05 class 000, revenue account 0230 (Federal Funds, Title XIX, Medicaid).

III. \$3,944,108 in state fiscal year 1999 from PAU 05-01-02-04-10, class 000, revenue account 3951 (Federal Funds, Medicaid System Certification).

2 Supplemental Appropriations. In addition to any other sums for the fiscal year ending June 30, 1999, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

FY 1999

05 Health and Social Services

01 Dept of Health and Human Services

04 Div of Human Services

04 Financial Grants

05 Medical Grants

Provider Payments

19,648,718

Total

19,648,718

Estimated Source of Funds For Medical Grants

00 Federal Funds

9,824,343

05 Private Local Funds

(290,671)

09 Agency Income

3,198,242

General Fund

6,916,804

Total

19,648,718

05 Health and Social Services

01 Dept of Health and Human Services

04 Division of Human Services

04 Financial Grants

06 Nursing Services

90 Nursing Services

(386,992)

91 Home Nursing Services

(124,683)

93 Other Nursing Services

(508,341)

95 Mid Level Care

(375,000)

Total

(1,395,016)

Estimated Source of Funds For Nursing Services

00 Federal Funds

(675,057)

05 Private Local Fund

(4,441,226)

General Fund

3,721,267

Total

(1,395,016)



01 General Government	
10 NH Retirement System	
02 State Contributions	
92 Retirees Health Insurance	3,250,000
Total	3,250,000
Estimated Source of Fund for State Contributions	
General Fund	3,250,000
Total	3,250,000
05 Health and Social Services	
01 Dept of Health and Human Services	
03 Division of Children Youth and Families	
02 Bureau of Children's Services	
05 DCYF – Settlement Services	
90 Foster care IV-E	893,183
93 Residential	1,785,882
Total	2,679,065
Estimated Source of Funds For Settlement Services	
00 Federal Funds	4,073,667
05 Private Local Funds	(348,228)
General Fund	(1,046,374)
Total	2,679,065
05 Health and Social Services	
01 Dept of Health and Human Services	
09 Office of Information Systems	
01 Management Systems	
29 Transfers to Data Center	2,500,000
Total	2,500,000
Estimated Source of Funds For Management Systems	
00 Federal Funds	1,250,000
General Fund	1,250,000
Total	2,500,000

3 Personnel Appropriations and Reductions; General Fund Appropriation Reduction; Health and Human Services. Amend 1997, 350:10, I to read as follows:

I. The commissioner of the department of health and human services shall provide the commissioner of the department of administrative services a list of general fund reductions for permanent, temporary, and unclassified personnel services and related fringe benefits on July 31, 1997, and for whatever period is necessary to result in a total general fund appropriation reduction of \$3,250,000 in each year of the biennium ending June 30, 1999. *The commissioner of the department of health and human services shall provide the commissioner of administrative services with a list of additional reductions of \$1,250,000 for the fiscal year ending June 30, 1999.* Such reductions shall limit the aggregate number of permanent, temporary, and unclassified positions in pay status to those in aggregate positions funded by remaining appropriations in the department of health and human services. Upon receipt of the commissioner's list, the commissioner of the department of administrative services shall make the appropriate reductions.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill makes adjustments to the budget for the department of health and human services for fiscal year 1999.

Adopted.

Report adopted and ordered to third reading.

#### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 374**, relative to the order of names on presidential primary election ballots. (Amendment printed SJ 22, 6/8/99)

Rep. Arndt moved that the House concur and spoke in favor.

**MOTION TO LAY ON THE TABLE**

Rep. Rice moved that the request for concurrence with amendment on *HB 374*, relative to the order of names on presidential primary election ballots, be laid on the table.

Rep. Buckley requested a roll call; sufficiently seconded.

**YEAS 62 NAYS 273****YEAS 62****BELKNAP**

Boyce, Robert	Czech, Stanley	Johnson, James	Rice, Thomas
Rosen, Ralph			

**CARROLL**

Howard, Godfrey	Lyman, L Randy	Mock, Henry	Sullivan, P Judith
Torresen, Gary			

**CHESHIRE**

Roberts, William	Robertson, Timothy	Rose, William
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**COOS**

None

**GRAFTON**

Alger, John	Cobb, John	Hall, David	Hinman, Harry
Mirski, Paul	Picconi, Al		

**HILLSBOROUGH**

Beaupre, Roland	Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald
Christiansen, Lars	Desmarais, Vivian	Desrosiers, William	Hall, Betty
Hansen, Herbert	Jean, Loren	Kurk, Neal	McDonough-Wallace, Alice
McRae, Karen	Melcher, Harold	Mosher, William	Ouellette, Dean
Rowe, Robert	Thulander, O Alan		

**MERRIMACK**

Asplund, Bronwyn	Brewster, Richard	Kennedy, Richard	Lavoie, Gerard
Leber, William	Marple, Richard	Soltani, Tony	

**ROCKINGHAM**

Dolan, Richard	Fesh, Robert	Flanders, David	Grant, Kenneth
Hutchinson, Karen	Johnson, Robert	Langone, John	Noyes, Richard
Putnam, Ed, II	Reardon, Neil	Ruffner, Walter	Stickney, Nancy
Stritch, C Donald	Weare, Everett	Weyler, Kenneth	

**STRAFFORD**

Bickford, David	Woods, Phyllis
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**SULLIVAN**

Kibbey, David

**NAYS 273****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Lawton, David
Lawton, Robert	Millham, Alida	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	

**CARROLL**

Bradley, Jeb  
MacDonald, Kenneth

Chandler, Gene  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Kenney, Joseph

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

Batchelder, Robert  
Hunt, John  
Manning, Joseph  
Pratt, Irene  
Royce, H Charles

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Meader, David  
Richardson, Barbara  
Zerba, Roger

**COOS**

Davis, Perley  
Landers, Dana  
Rodrigue, Robert

Glines, Sara  
Mears, Edgar  
Tholl, John, Jr

Guay, Lawrence  
Merrill, Gerald  
Woodward, David

Horton, Lynn  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Guest, Robert  
Marshall, Gene

Almy, Susan  
Dudley, Terri  
Ham, Bonnie  
Phinney, William

Brothers, Richard  
Eaton, Stephanie  
LaMott, Paul  
Scanlan, David

Copenhaver, Marion  
Gilman, G Michael  
MacNeil, Allen  
Weber, Phil

**HILLSBOROUGH**

Ahern, Richard  
Baroody, Benjamin  
Bergin, Peter  
Clemons, Jane  
Craig, James  
Dokmo, Cynthia  
Dyer, Merton  
Fletcher, Richard  
Gagnon, Eugene  
Gorman, Mary  
Holley, Sylvia  
Keye, Harvey  
Lasky, Bette  
Lessard, Rudy  
Martel, Andre  
Mendenhall, Leslie  
Moriarty, Mary  
Pappas, Marc  
Reidy, Frank  
Tate, Joan  
White, John

Andrews, Frederick  
Batula, Peter  
Buckley, Raymond  
Cote, David  
Daigle, Robert  
Drabinowicz, A  
Emerton, Lawrence  
Flora, Kathleen  
Garrish, Linda  
Goulet, Maurice  
Hunter, Bruce  
L'Heureux, Robert  
Lefebvre, Roland  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Pepino, Leo  
Sarette, John  
Turgeon, Roland  
Williams, Carol

Arnold, Thomas, Jr  
Belvin, William  
Burkush, James  
Cote, Peter  
Dalianis, Griffin  
Durham, Susan  
Fenton, James  
Foster, Linda  
Ginsburg, Ruth  
Herman, Keith  
Jean, Claudette  
LaPorte, George  
Leishman, Peter  
Lynde, Harold  
McDonald, James, Sr  
Messier, Irene  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve  
Withee, Dennis

Arthur, Rose  
Bergeron, Lucien  
Clegg, Robert, Jr  
Coughlin, Pamela  
Daniels, Gary  
Dwyer, Paul, Sr  
Fields, Dennis  
Franks, Suzan  
Goley, Jeffrey  
Herman, Richard  
Johnson, Lionel  
LaRose, Richard  
Leonard, Peter  
MacGillivray, Jeffrey  
McGough, Tim  
Moran, Edward  
O'Hearn, Jane  
Reeves, Sandra  
Simon, Anthony  
White, Donald

**MERRIMACK**

Anderson, Eric  
Davis, Francis  
Gile, Mary  
Jacobson, Alf  
Maxfield, Roy  
Potter, Frances  
Virtue, Carolyn  
Whittemore, James

Bouchard, Candace  
Feuerstein, Martin  
Hager, Elizabeth  
Larrabee, David, Sr  
Moore, Carol  
Rodd, Beth  
Wallin, Jean  
Yeaton, Charles

Chase, George  
Fortnam, Janet  
Hess, David  
Lockwood, Priscilla  
Nichols, Avis  
Seldin, Gloria  
Wallner, Mary Jane

Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Marshall, Kenneth  
Owen, Derek  
St Cyr, Gerard  
Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Clark, Martha
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Downing, Michael
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Henderson, Warren	Hutchinson, Rebecca
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	O'Keefe, Patricia
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Quandt, Marshall	Raynowska, Bernard	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Tufts, J Arthur	Vaughn, Charles	Verani, Giovanni
Welch, David	Whittier, John	Zolla, William	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vincent, Francis
Wall, Janet			

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Jones, Constance	Leone, Richard	Phinzy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine	Young, David	

and the motion failed.

The question now being the adoption of the motion to concur.

Adopted.

**REGULAR CALENDAR (CONT'D.)**

**SB 176-FN-A**, relative to technology support for individuals and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter Batula for Health, Human Services and Elderly Affairs: This bill, as amended, establishes a fund of \$500,000 to provide technology support, assistive devices, information and training programs to individuals with disabilities. This bill would positively impact in excess of 20,000 people with disabilities in the state of New Hampshire and would in the long run, save millions of dollars by the cost savings related to remaining in the home, instead of a nursing home. The benefits derived from this piece of legislation are numerous. Having said that, the committee majority agreed to an amendment that would fund the program from the states' general fund instead of funding by a 911 reserved fund and that's what the amendment does. Vote 14-0.

**Amendment (1485h)**

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$500,000 is hereby appropriated, for the fiscal year ending June 30, 2000, to the department of health and human services, for the purposes of this act. The governor is authorized to draw a warrant for said sum from any moneys in the treasury not otherwise appropriated.

**AMENDED ANALYSIS**

This bill makes an appropriation of \$500,000, from the general fund to the department of health and human services to provide technology support, assistive devices, information, and training programs to individuals with disabilities.

Adopted.

Report adopted and referred to Finance.

**SB 192, relative to vital records. OUGHT TO PASS WITH AMENDMENT**

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: This bill addresses the improvement of the registration, certification, preservation and management of the state's vital records concerning birth, death, marriage and divorce. An increase in copy fees (not increased since 1991) will provide funds to be allocated for software applications and development, preservation efforts, hardware, communications and technical support needed. There were also additional members added to the Vital Records Advisory Committee: two additional town clerks, a Health Information Specialist appointed by the NH Hospital Association, the Director of the Division of Information Technology Management or designee and the state archivists or designee. Vote 13-2.

**Amendment (1454h)**

Amend the bill by replacing all after the enacting clause with the following:

I Fees Increased. Amend RSA 126:15 to read as follows:

126:15 Fees for Copies and Verifications.

I. A town clerk or the registrar of vital records and health statistics shall be paid in advance, by any person requesting any copy or verification as provided in RSA 126:14, the sum of ~~[\$10]~~ **\$12** for making search, which sum shall include payment for the issuance of such copy or verification, and ~~[\$6]~~ **\$8** for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$25.

II. The town clerk shall forward ~~[\$6]~~ **\$8** of each search fee collected under this section to the department of health and human services for deposit in the vital records improvement fund established under RSA 126:31 and shall retain the remaining \$4 as ~~[his]~~ **the clerk's** for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward ~~[\$3]~~ **\$5** of the fee collected for each subsequent copy under this section to the department of health and human services for deposit in the vital records improvement fund established under RSA 126:31, and the town clerk shall retain the remaining \$3 as ~~[his]~~ **the clerk's** fee for issuing such a copy. The town clerk shall retain the \$25 fee for a delayed birth certificate as ~~[his]~~ **the clerk's** fee for examining documents and issuing the delayed birth certificate.

2 Purpose of Fund; Approval Required. Amend RSA 126:31 to read as follows:

126:31 Vital Records Improvement Fund. There is hereby established a special fund for the improvement and automation of vital records at the state and local levels. The sole purpose of the fund shall be to provide revenues for **the improvement of the registration, certification, preservation and management of the state's** vital records ~~[improvement]~~, and said money shall not be used for any other purpose. ***Moneys in the fund shall be allocated for software applications and development, preservation efforts, hardware, communications and technical support associated with these purposes. Said moneys shall not be used for rent or electricity expenses or for general clerical or administrative personnel of the bureau of vital records.*** Moneys in the fund shall be allocated by the commissioner of the department of health and human services with the assistance of the advisory committee established under RSA 126:32. The fund ***shall accrue interest and*** shall be nonlapsing and ~~[shall be]~~ continually appropriated to the commissioner of the department of health and human services.

3 Membership of Committee. Amend RSA 126:32 to read as follows:

126:32 Advisory Committee.

I. There is established an advisory committee to assist the commissioner of the department of health and human services in administering the fund established under RSA 126:31. The advisory committee shall also determine the need for improvement and automation of the processing of vital records ***upon recommendations from representatives of the financial data management unit, the office of community and public health, the New Hampshire City and Town Clerk's Association, and the division of information technology management.*** The members of the committee shall be appointed ~~[by the commissioner of the department of health and human services]~~ as follows:

(a) ~~[A]~~ **Two** town ~~[clerk]~~ **clerks, appointed by the New Hampshire City and Town Clerks' Association.**

(b) ~~[A]~~ **Two** city ~~[clerk]~~ **clerks, appointed by the New Hampshire City and Town Clerks' Association.**

(c) A funeral director, ***appointed by the New Hampshire Funeral Directors' Association.***

(d) A physician licensed under RSA 329 ***from the office of chief medical examiner, or designee.***

~~[(c) A nurse licensed under RSA 326-B.]~~

~~[(ff)] (e) A public member, who shall have a direct interest in the registration of vital records, appointed by the commissioner of health and human services.~~

~~[(gg)] (f) The registrar of vital records, or designee.~~

~~(g) A health information specialist, appointed by the New Hampshire Hospital Association.~~

(h) The director of the division of information technology management, department of administrative services, or designee.

(i) *The state archivist, or designee.*

II. The members of the committee shall choose a chairperson by majority vote. Members of the advisory committee shall serve 2-year terms and no member shall serve more than 2 consecutive terms. *The city and town clerk members shall serve staggered terms and initially one town clerk and one city clerk shall serve for 2 years and one town clerk and one city clerk shall serve for 3 years.*

4 New Sections; Reports. Amend RSA 126 by inserting after section 32 the following new sections:

126:33 Quarterly Reports. The department of health and human services shall file a financial report for the vital records improvement fund for the preceding quarter showing the summary of receipts and expenditures, according to the uniform classifications.

126:34 Annual Report. The department of health and human services shall prepare and file a report on the uses of the vital records improvement fund and shall submit the report to the vital records improvement advisory committee no later than December 31 of each year. The report shall contain the following:

I. The gross revenue received by the fund.

II. A summary of receipts and expenditures, according to uniform classifications.

III. Accomplishments achieved pursuant to RSA 126 during the preceding fiscal year.

IV. An outline of the projects and programs to be conducted in the ensuing fiscal year with proceeds from the funds.

V. Any recommendations for additional legislation, and other relevant matters.

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill clarifies the purpose of the vital records improvement fund. The bill also changes the membership of the advisory committee established to assist in the administration of the fund.

The bill also increases fees for copies and verification of vital records.

Adopted.

Report adopted and ordered to third reading.

**SB 141**, relative to information not subject to the right-to-know law. OUGHT TO PASS

Rep. Peter F. Bergin for Judiciary: This bill makes information or records provided by a telephone utility in support of a filing with the Public Utilities Commission or placed in the record during a telephone utility proceeding confidential and not subject to the right-to-know law if they meet certain requirements. The requirements are that the telephone utility shall represent to the PUC that the information or records are not general public knowledge or published elsewhere, due to trade secrets, research, development, financial, or commercial information, including customer's geographic markets, vendor or product – specific data, such as pricing, usage, costing, forecasting, revenue, earnings, or technology information not reflected in tariffs of general application. However, if the PUC subsequently determines on its own motion or on request of another party, after notice and an opportunity for a hearing, that the telephone utility's representation is incorrect or records do not satisfy the requirements, it shall be subject to disclosure under RSA-91A (Right-to-Know Law). Before permitting public disclosure, the PUC shall afford the telephone utility 30 days from issuance of its written decision, to request reconsideration. Vote 11-4.

Adopted and ordered to third reading.

**SB 172**, relative to representation by a citizen in a court proceeding. OUGHT TO PASS WITH AMENDMENT

Rep. Martha S. Solow for Judiciary: This bill, as amended, accomplishes two purposes. First, it clarifies the statute entitling persons in causes or proceedings to represent themselves (pro se), or to be represented by a citizen of good character (not necessarily an attorney). Second, because

the existing statute is silent on the matter, it presumes that the person representing another is of good character unless demonstrated otherwise, thereby putting the burden of proof on the challenger. Vote 9-5.

#### Amendment (1433h)

Amend RSA 311:1 as inserted by section 1 of the bill by replacing it with the following:

311:1 Right to Appear, etc. A party in any cause or proceeding may appear, plead, prosecute or defend in his or her proper person, that is, pro se, or *may be represented* by any citizen of good character. *For the purposes of this section, a citizen shall be presumed to be of good character unless demonstrated otherwise.*

Adopted.

Report adopted and ordered to third reading.

#### HB 314, relative to universal service. OUGHT TO PASS WITH AMENDMENT

Rep. Gary R. Gilmore for Science, Technology and Energy: As part of the 1989 rate agreement with Northeast Utilities, Public Service Company of New Hampshire (PSNH) was to return to traditional ratemaking in 1997. The rate case to determine PSNH's appropriate electric rates has been repeatedly postponed, most recently when PSNH went to Federal Court in Rhode Island and implied that this rate case was part of electric restructuring. This legislation allows the Governor, under certain circumstances, to establish an escrow account withholding up to 15% of the utility's electric bill. Upon such action by the Governor, other ratepayers of that utility may also escrow the same percentage of moneys due to that utility. It is hoped by the committee that this legislation will be unnecessary, that either PSNH will enter into a settlement with the state or that the rate case will occur and be adhered to. However, the committee feels that it is prudent and necessary that this legislation be enacted to prevent past delays from occurring once again. Vote 16-0.

#### Amendment (1388h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the escrowing of certain utility payments.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that:

I. New Hampshire has the highest average electric rates in the nation and such rates are unreasonably high. The general court also finds that electric rates for most citizens may further increase during the remaining years of the Public Service Company of New Hampshire rate agreement and that there is a wide rate disparity in electric rates both within New Hampshire and as compared to the region. The general court finds that this combination of facts has a particularly adverse impact on a majority of New Hampshire citizens.

II. New Hampshire's extraordinarily high electric rates disadvantage all classes of customers: industries, small businesses, and captive residential and institutional ratepayers and do not reflect an efficient industry structure. The general court further finds that these high rates are causing businesses to consider relocating or expanding out of state and are a significant impediment to economic growth and new job creation in this state.

III. In 1997, Public Service Company of New Hampshire was scheduled to return to traditional ratemaking and was directed by the public utilities commission to participate in a rate case proceeding pursuant to the agreement between the state of New Hampshire and Northeast Utilities.

IV. Although a rate case proceeding was commenced, such rate case proceeding has not been concluded and is presently enjoined by a Federal Court at the request of Public Service Company of New Hampshire, thereby preventing the state from exercising its appropriate police powers to protect the citizens of New Hampshire from the abuse of monopoly practices.

V. Authority to escrow certain moneys due to Public Service Company of New Hampshire is an appropriate exercise of the power granted to the general court by Part II, Article 83 of the New Hampshire constitution to "enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against."

2 New Subdivision; Escrow of Utility Payments. Amend RSA 9 by inserting after section 28 the following new subdivision:

**Escrow of Utility Payments**

**9:29 Withholding of Utility Payments.**

I. The governor shall direct the treasurer to withhold up to 15 percent of moneys due to a utility for electric power supply to the state if:

(a) The utility's rates are the subject of a proceeding before the public utilities commission that was commenced more than 12 months previously;

(b) Such proceeding has not concluded due to events outside the control of the public utilities commission and the state;

(c) The public utilities commission has ordered temporary rate reductions pursuant to RSA 378:27;

(d) The governor, based upon information submitted to the public utilities commission relating to the rate case proceeding, finds that the utility has requested only a minor increase in rates or no increase in rates whereas intervenors have represented that the public good requires a substantial additional decrease in rates; and

(e) The amount withheld does not, in the opinion of the governor based upon the considerations in subparagraph (d), put at risk normal operations of the utility in serving its customers.

II. Withholding moneys pursuant to paragraph I shall be presumed to be a matter of sound business practice and in the interest of protecting New Hampshire taxpayers.

III. Upon the withholding of moneys pursuant to paragraph I and the establishment of an escrow account pursuant to RSA 9:30, I, municipalities, businesses, and individual ratepayers may withhold the same percentage of moneys due for electric power supply to the utility designated by the governor pursuant to paragraph I.

**9:30 Escrow of Withholdings.**

I. The treasurer shall deposit moneys withheld under RSA 9:29, I in a segregated escrow account.

II. Money to be withheld by a ratepayer pursuant to RSA 9:29, III shall be escrowed on a monthly basis either by:

(a) The ratepayer depositing the money in an interest bearing, segregated escrow account established by the ratepayer and notifying the utility of the establishment of the account; or

(b) Upon agreement of the utility and the ratepayer, the utility depositing the money into one segregated escrow account established by the treasurer for the collective withholdings of ratepayers. The utility shall derive such moneys from bill payments made by the participating ratepayers.

III. No utility shall take any action, such as disrupting or threatening to disrupt electric power supply, against a ratepayer because the ratepayer escrows money pursuant to this subdivision.

9:31 Payments From Escrow. Upon conclusion of the rate case proceeding before the public utilities commission or pursuant to a settlement between the utility and the state, payments shall be made, consistent with the rate case or settlement, in the following manner from the specified escrow accounts:

I. RSA 9:30, I, the governor is authorized to draw a warrant for any money in the account to pay any moneys due and owing to the utility; any moneys remaining after payment to the utility shall be deposited into the general fund;

II. RSA 9:30, II(a), the ratepayer shall pay from the account any moneys due and owing to the utility and shall retain the remainder; and

III. RSA 9:30, II(b), the governor is authorized to draw a warrant up to the total amount in the account to be paid over to the utility. The utility shall retain any moneys due and owing to the utility and shall credit the electric bills of participating ratepayers that amount which is due and owing to them.

3 Severability. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this end the provisions of this act are severable.

4 Effective Date. This act shall take effect upon its passage.



## AMENDED ANALYSIS

This bill requires the governor, under certain circumstances, to direct the treasurer to place up to 15 percent of moneys due to a utility for electric power supply to the state in an escrow account. Upon such action by the governor, other ratepayers may also escrow a percentage of moneys due to the utility.

Adopted.

Report adopted and ordered to third reading.

Rep. MacGillivray wished to be recorded against.

## SUSPENSION OF RULES

Rep. Chandler moved that the Rules be so far suspended as to permit consideration at the present time, without the required notice, of **HB 745-L**, authorizing the town of Ashland to call a special meeting for the purpose of raising money to address a general fund deficit.

Adopted by the necessary two-thirds.

**HB 745-L**, authorizing the town of Ashland to call a special meeting for the purpose of raising money to address a general fund deficit. OUGHT TO PASS

Rep. Betsey L. Patten for Municipal and County Government: During an audit of the Town of Ashland a general fund deficit was discovered. In order to avoid receivership, the selectmen requested through their Representatives and Senator, the General Court to allow them to hold a special meeting without seeking court permission. The committee voted unanimously OTP. Vote 16-0.

Rep. Patten spoke in favor.

Adopted and ordered to third reading.

**SB 29-L**, relative to the proper sheltering of dogs. OUGHT TO PASS

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill creates a new statute that describes minimum standards for the sheltering of dogs. The standards are in common sense language and should put no burden on anyone who keeps dogs. The standard for sanitary conditions, for example, are to periodically clean the area where the animal is kept of excrement and any other waste materials that could adversely affect the animals' health. The penalty for not responding to a warning that a violation exists is a violation. The response has to take place within 48 hours of a written notice that a violation exists. The bill is an attempt to provide those who keep or shelter dogs in unsanitary conditions an opportunity to be put on notice that such conditions are not lawful and should be corrected. Vote 14-0.

Rep. Welch moved Re-commit to Committee, spoke in favor and yielded to questions.

Adopted.

**HB 744**, ratifying the Plainfield Village Water District annual meeting held on March 27, 1999. OUGHT TO PASS

Rep. Paul A. McGuirk for Municipal and County Government: The Plainfield Village Water District voted to authorize a bond to install a new water system to replace their old dug-well water supply. The District made a few procedural errors – improper positing and failing to place the bond article first on the agenda. The committee voted unanimously to ratify the meeting to allow the Plainfield Valley Water District to move forward with their project. Vote 13-0.

Rep. Hess spoke against.

The report failed.

Rep. Hess moved Ought to Pass with Amendment and spoke in favor.

Rep. Hess offered a floor amendment (1473h).

## Floor Amendment (1473h)

Amend the title of the bill by replacing it with the following:

AN ACT     ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Alton annual town meeting held on March 10, 1999.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Ratification of the March 10, 1999 Alton Annual Town Meeting. To cure the defect in the actions taken on Article 20 at the Alton annual town meeting held on March 10, 1999, specifically appro-

priation and authorization to purchase a six-wheel dump truck for the Alton highway department, all acts, votes, notices, and proceedings of the Alton annual town meeting held on March 10, 1999 are hereby legalized, ratified, and confirmed.

#### AMENDED ANALYSIS

This bill ratifies all acts, votes, notices, and proceedings of the Plainfield Village Water District annual meeting held on March 27, 1999.

This bill also ratifies all acts, votes, notices, and proceedings of the Alton annual town meeting held on March 10, 1999.

Adopted.

Rep. Hess offered floor amendment (1511h).

#### Floor Amendment (1511h)

Amend the title of the bill by replacing it with the following:

AN ACT ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Gilford School District annual meeting held on March 17, 1999.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Ratification of the March 17, 1999 Gilford School District Annual Meeting. All acts, votes, notices, and proceedings of the Gilford School District annual meeting held on March 17, 1999 and the related public hearing held on February 11, 1999 are hereby legalized, ratified, and confirmed.

#### AMENDED ANALYSIS

This bill ratifies all acts, votes, notices, and proceedings of the Plainfield Village Water District annual meeting held on March 27, 1999.

This bill also ratifies all acts, votes, notices, and proceedings of the Gilford School District annual meeting held on March 17, 1999.

Adopted.

Report adopted and ordered to third reading.

#### MOTION TO SPECIAL ORDER

Rep. Buckley moved that *HCR 10*, requesting Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers, be made a Special Order for the next session day in regular calendar order.

Rep. Buckley spoke in favor.

Adopted.

Reps. Hess and Bradley offered the following:

#### HOUSE RESOLUTION NO. 12

requesting an opinion of the justices on the constitutionality of HB 536, as amended.

Whereas, there is presently pending before the House of Representatives HB 536, as amended by document number 1999-1063h, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power; and

Whereas, section 2 of HB 536 as amended provides that the governing body of a town or city may make the determination to exempt from local property taxation so much of the equipment for the generation and production of electric power and for such a term of years as the governing body determines will attract new construction of electric generation facilities, retain existing electric generation facilities, or foster economic development; and

Whereas, section 2 of HB 536 as amended further provides that the determination, including but not limited to the fair market value of the equipment exempted, the term of the exemption, any agreement for payment of taxes, and/or any agreement for payment in lieu of taxes, shall be subject to approval of the legislative body of the municipality; and

Whereas, legislation proposing new tax exemptions should be scrutinized to determine its constitutionality; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Do the provisions of HB 536 as amended, which exempt from local property taxes so much of the equipment for the generation and production of electric power and for such a term of years as may be determined by the municipality, violate constitutional requirements of uniformity and equality governing the assessment and collection of property taxes and the constitutional prohibition against authorizing gifts to corporations organized for profit, as provided by part II, article 5 of the New Hampshire constitution?

2. Do the provisions of HB 536 as amended, which exempt from local property taxes so much of the equipment for the generation and production of electric power and for such a term of years as may be determined by the municipality, violate the constitutional provision that government is instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men under part I, article 10 of the New Hampshire constitution?

3. Is the classification of taxable property provided for in HB 536 as amended based on a reasonable distinction which promotes a proper object of public welfare and does not require any taxpayer to pay more than his or her fair share of the tax burden as required by part I, article 12 of the New Hampshire constitution?

That the clerk of the House of Representatives transmit copies of this resolution and copies of HB 536, as amended by document number 1999-1063h, to the justices of the New Hampshire supreme court.

Rep. Hess moved Ought to Pass and spoke in favor.

Rep. Mirski spoke against and yielded to questions.

Rep. Bradley spoke in favor.

On a division vote, 256 members having voted in the affirmative and 75 in the negative, the resolution was adopted.

Ordered to third reading.

## RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 153, 197 and 209 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

**SB 153-FN-A**, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs. (Finance)

**SB 197-FN-A**, establishing a pilot program for opioid agonist therapy of addiction and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

**SB 209-FN-L**, establishing a study committee on certain matters concerning superior court justices. (Judiciary)

## RECONSIDERATION

Having voted with the prevailing side, Rep. Abbott moved that the House reconsider its action whereby it voted **HB 337**, requiring that the order of candidate names on the ballot be determined by a random drawing, Inexpedient to Legislate.

Rep. Potter spoke in favor and yielded to questions.

Rep. Young spoke against and yielded to questions.

Rep. Arndt spoke against.

Rep. MacGillivray requested a roll call; not sufficiently seconded.

On a division vote, 132 members having voted in the affirmative and 200 in the negative, reconsideration failed.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it voted **HB 497-FN-A**, relative to family literacy planning grants and making an appropriation therefor, Inexpedient to Legislate and spoke in favor.

Rep. Major spoke against.

Rep. Gile spoke in favor and yielded to questions.

Rep. Belvin spoke against and yielded to questions.

Rep. Lozeau requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 161 NAYS 176****YEAS 161****BELKNAP**

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

DePecol, Benjamin

Lerandeau, Alfred

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

Zerba, Roger

**COOS**

Davis, Perley

Glines, Sara

Landers, Dana

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan

Copenhaver, Marion

Densmore, Jessica

Guest, Robert

Ham, Bonnie

Hinman, Harry

Scanlan, David

**HILLSBOROUGH**

Arthur, Rose

Baroody, Benjamin

Bergeron, Lucien

Buckley, Raymond

Burkush, James

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Dawe, Eileen

Desmarais, Vivian

Drabinowicz, A

Durham, Susan

Dwyer, Paul, Sr

Foster, Linda

Franks, Suzan

Garrish, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Hall, Betty

Herman, Richard

Jean, Claudette

Johnson, Lionel

Keye, Harvey

L'Heureux, Robert

LaPorte, George

Lasky, Bette

Lefebvre, Roland

Leishman, Peter

Leonard, Peter

Lynde, Harold

Martin, Mary

McDonough-Wallace, Alice

Melcher, Harold

Mendenhall, Leslie

Messier, Irene

Moran, Edward

Moriarty, Mary

Pepino, Leo

Peterson, Andrew

Reidy, Frank

Sarette, John

Simon, Anthony

Turgeon, Roland

Vaillancourt, Steve

White, John

Williams, Carol

**MERRIMACK**

Asplund, Bronwyn

Bouchard, Candace

Brewster, Richard

Chase, George

Daneault, Gabriel

Davis, Francis

Feuerstein, Martin

Fortnam, Janet

Fraser, Marilyn

French, Barbara

Gile, Mary

Hager, Elizabeth

Jacobson, Alf

Moore, Carol

Owen, Derek

Potter, Frances

Poulin, Dave

Rodd, Beth

Seldin, Gloria

St Cyr, Gerard

Virtue, Carolyn

Wallin, Jean

Wallner, Mary Jane

Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
DiFruscia, Anthony  
Kelley, Jane  
O'Neil, Michael  
Schanda, Frank  
Vaughn, Charles

Blanchard, MaryAnn  
Gibbons, Paul  
Lovejoy, Marian  
Pantelakos, Laura  
Shelton, Richard

Case, Margaret  
Hutchinson, Rebecca  
Norelli, Terie  
Pitts, Jacqueline  
Shultis, Elizabeth

Clark, Martha  
Kane, Cecelia  
O'Keefe, Patricia  
Sapareto, Frank  
Splaine, James

**STRAFFORD**

Berube, Roger  
Brown, Julie  
Gilmore, Gary  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair

Bickford, David  
DeChane, Marlene  
Johnson, Nancy  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen

Brown, George  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

**SULLIVAN**

Allison, David  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Donovan, Thomas, Jr  
Robb-Theroux, Amy

Flint, Gordon, Sr  
Tuthill, John

**NAYS 176****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Wendelboe, Francine

Boriso, Thomas  
Johnson, James  
Rosen, Ralph

Boyce, Robert  
Lawton, David  
Thomas, John

Czech, Stanley  
Lawton, Robert  
Turner, Robert

**CARROLL**

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Sullivan, P Judith

Howard, Godfrey  
Mock, Henry  
Torresen, Gary

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Hunt, John

Roberts, William

Rose, William

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
LaMott, Paul  
Phinney, William

Alger, John  
Eaton, Stephanie  
MacNeil, Allen  
Picconi, Al

Brothers, Richard  
Gilman, G Michael  
Marshall, Gene  
Weber, Phil

Cobb, John  
Hall, David  
Mirski, Paul

**HILLSBOROUGH**

Andrews, Frederick  
Belvin, William  
Carlson, Donald  
Dalianis, Griffin  
Emerton, Lawrence  
Flora, Kathleen  
Herman, Keith  
LaRose, Richard

Arnold, Thomas, Jr  
Bergin, Peter  
Christiansen, Lars  
Daniels, Gary  
Fenton, James  
Gagnon, Eugene  
Holley, Sylvia  
Lessard, Rudy

Batula, Peter  
Bruno, Pierre  
Clegg, Robert, Jr  
Dokmo, Cynthia  
Fields, Dennis  
Goulet, Maurice  
Jean, Loren  
Lozeau, Donnalee

Beaupre, Roland  
Calawa, Leon, Jr  
Coughlin, Pamela  
Dyer, Merton  
Fletcher, Richard  
Hansen, Herbert  
Kurk, Neal  
MacGillivray, Jeffrey

Martel, Andre  
McRae, Karen  
O'Connell, Timothy  
Reeves, Sandra  
Thulander, O Alan

McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Rowe, Robert  
White, Donald

McDonald, James, Sr  
Mosher, William  
Ouellette, Dean  
Sargent, Maxwell  
Withee, Dennis

McGough, Tim  
Murphy, Robert  
Pappas, Marc  
Tate, Joan

### MERRIMACK

Anderson, Eric  
Lavoie, Gerard  
Marshall, Kenneth  
Whalley, Michael

Hess, David  
Leber, William  
Maxfield, Roy  
Whittemore, James

Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis

Larrabee, David, Sr  
Marple, Richard  
Soltani, Tony

### ROCKINGHAM

Arndt, Janet  
Cox, Russell  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, George  
Langone, John  
Mikowski, Walter  
Packard, Sherman  
Raynowska, Bernard  
Stone, Joseph  
Verani, Giovanni  
Whittier, John

Beaulieu, Jon  
Dalrymple, Janeen  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Reardon, Neil  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Bridle, Russell  
Dolan, Richard  
Flanders, David  
Grant, Kenneth  
Hutchinson, Karen  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Putnam, Ed, II  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

Cooney, Richard  
Downing, Michael  
Flanders, John, Sr  
Griffin, Mary  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Quandt, Marshall  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

### STRAFFORD

Cossette, Larry  
Vincent, Francis

McKinley, Robert  
Wall, Janet

Musler, George  
Woods, Phyllis

Torr, Franklin

### SULLIVAN

Jones, Constance

Kibbey, David

Young, David

and reconsideration failed.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 16, 1999 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 150**, making certain reference changes to the department of youth development services.

**HB 252**, establishing a committee to study all aspects of the condominium act established under RSA 356-B.

**HB 331**, relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers.

**SB 59-L**, relative to bonding of animal owners convicted of animal cruelty.

**SB 163**, establishing a commission to study methods for reducing violent incidents involving children and guns.

**SB 67**, limiting liability resulting from the use of automatic external defibrillation.

**SB 159**, relative to early reduction of greenhouse gases.

**HB 301**, relative to burials and funerals at the New Hampshire state veterans cemetery.

**HB 665**, relative to the New Hampshire emergency management compact with other jurisdictions.

**HCR 7**, urging the federal government not to adopt rules requiring financial institutions to monitor their customers' banking habits.

**HCR 11**, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds.

**SJR 1**, supporting the reduction of the sulfur content of gasoline.

**HB 399**, allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary and changing the filing period for declarations of candidacy for candidates for president and vice-president at the presidential primary.

**HB 684**, making adjustments to the fiscal year 1999 budget for the department of health and human services.

**SB 192**, relative to vital records.

**SB 141**, relative to information not subject to the right-to-know law.

**SB 172**, relative to representation by a citizen in a court proceeding.

**HB 314**, relative to the escrowing of certain utility payments.

**HB 745-L**, authorizing the town of Ashland to call a special meeting for the purpose of raising money to address a general fund deficit.

**HB 744**, ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Gilford School District annual meeting held on March 17, 1999.

**HR 12**, requesting an opinion of the justices on the constitutionality of HB 536, as amended.

### PERSONAL PRIVILEGE

Reps. Weber and Loren Jean addressed the House.

Rep. Mock moved that the remarks made by Rep. Loren Jean be printed in the Journal.

Adopted.

Rep. Loren Jean: Since 1979, for a period of 20 years now, we've been voting on whether or not to have a Martin Luther King Day. We all went at it for different reasons. Those of us that were opposed to it, the reasons varied from genuine concerns about the man; others thought others more fitting and others with a strong sense of history. I had all three. But to dismiss such motives as a cover for bigotry and racism is beyond the pale. Never, never in that 20 years, or in the time that I have been here and talked to people that are opposed to that holiday did I ever hear anything remotely being construed as being bigoted or racist. Half way through that 20 years the opponents were rather magnanimous in that they offered a compromise and that compromise was on a holiday called Civil Rights Day on the birthday of that slain civil rights leader. To dismiss all that out of hand and characterize someone as having the basest of human instincts, that of bigotry and racism, is very wounding. We have won for 18 of those 20 years. This is the 20<sup>th</sup> year. But, we have been magnanimous in our victory. But, over the years I have heard "beacon for bigotry" hollered from that podium. "Everyone that voted against this is a racist." And, this last one, "I feel bad for some of those who spoke against this. They have severe racism in their hearts and it must feel terrible." The author of that knows who she is. There is to me hardly a more severe, if you will, label to place on somebody that they would be guilty of these base instincts. The very core of what humanity should be and that is magnanimous to each other and to love one another and to be accused of just the opposite for noble reasons given to the opposition to that holiday. I feel that person owes an apology to this House and especially to those people that spoke against this for reasons that were true to their heart and not on those base instincts.

### UNANIMOUS CONSENT

Rep. Rosen addressed the House.

Rep. Weyler moved that the remarks made by Rep. Rosen be printed in the Journal.

Adopted.

Rep. Rosen: Thank you, Madam Speaker. I'd like to, very briefly, report on last week. This last week saw June 4<sup>th</sup> and June 6<sup>th</sup>. June 6<sup>th</sup> was the anniversary of the D-Day landings in Normandy and June 4<sup>th</sup> was the anniversary of the Battle of Midway. Probably two of the most memorable days in the history of this country. We all know about D-Day. This was the beginning of the end of the war in Europe and led to the vast changes that have come over Europe and the United States since then. June 4<sup>th</sup> was the anniversary of the Battle of Midway, certainly the most significant naval battle of all time

and probably one of the most important battles in the history of this country. The Japanese attempted to seize Midway. They came out with four aircraft carriers, dozens of ships, thousands of men to make a landing. We opposed them with three aircraft carriers, a number of ships and some very fine pilots. It was not an easy victory. We lost a lot that time but we did prevent the landings at Midway. If that had not happened, the Japanese probably would have taken Hawaii and the whole scene of the war in the Pacific would have been vastly different. Whether we would have ever gotten into a position where we could launch an atomic bomb or not, I don't know, probably not. It might have led to a negotiated peace and we would have continuing struggles as we always have when we don't settle a war finally. So, let's remember today the people in the battle on D-Day and let's remember those that fought at Midway and the glorious victories that were achieved in those days. Thank you, Madam Speaker.

### RECOGNITION

The Speaker and the House recognized all its members who served in the armed forces.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bills reports, receiving Senate messages and forming committees of conference only.

Adopted.

The House recessed at 3:50 p.m.

### RECESS

(Rep. Whalley in the Chair)

### RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 68, 143, 147 and 158 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

*SB 68*, establishing minimum 300 foot buffer zones around sensitive areas from application of herbicides, authorizing a study of environmental effects from residual herbicides and making an appropriation therefor. (Environment and Agriculture)

*SB 143*, relative to penalties for incest. (Criminal Justice and Public Safety)

*SB 147*, relative to self-referrals for chiropractic care under managed care organizations. (Commerce)

*SB 158-FN*, relative to indecent exposure. (Criminal Justice and Public Safety)

### RECESS

(Rep. Chandler in the Chair)

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 205 and 374.

Rep. Lozeau, Sen. D'Allesandro for the Committee

### RECESS

(Rep. Burling in the Chair)

### SENATE MESSAGE

### REQUESTS CONCURRENCE WITH AMENDMENT

*HB 664*, establishing a study committee on rights of ownership to cemetery plots. (Amendment printed SJ 17, 5/6/99)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Patten, Griffin, Zerba and Rice.

### RECESS



(Rep. Gene Chandler in the Chair)

**SENATE MESSAGE**

**NONCONCURS WITH AMENDMENT**

**REQUESTS COMMITTEE OF CONFERENCE**

*SB 30*, relative to the cruelty to animals law.

The President appointed Sens. Wheeler, Trombly and Disnard.

Rep. Konys moved that the House accede.

Adopted.

The Speaker appointed Reps. Wear, Mikowski, Fesh and Schanda.

**RECESS**

(Speaker Sytek in the Chair)

Rep. Henderson moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 21**

Wednesday, June 16, 1999

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Representative Gary L. Johnson from the Franconia Community Church of Christ.

We bow our heads before our Creator. We stand before our Creator in humility; in humbleness. Lord, we are Your children. We stand ready to listen; we stand ready to learn; we stand ready to serve. We are Your creation and we recognize our Creator. You created us in love, and our faith tells us that love continues today and will continue forever; our faith also tells us that You like us. As Your children, we are all brothers and sisters. We pray for guidance, for understanding, for wisdom, for vision; and, we pray for sensitivity; sensitivity to all our sisters and brothers, and to the planet that we share. Help us to understand that among all the frantic, religious messages of this world, You ask only one thing: take care of one another. With Your help, we will do just that. Amen.

Rep. Belanger led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Julie Brown, Courchesne, Desmarais, Golden, Heon, Hunter, Milligan, Sabella, Schanda and Searles, the day, illness.

Reps. Alukonis, Bishop, Burkush, Dalrymple, Dokmo, Domingo, Downing, Fletcher, Flint, Flora, Gorman, Grassie, Hoadley, James Johnson, Jones, Lavoie, LaRose, MacNeil, Manning, Melcher, Nolan-Piteri, Pantelakos, Perkins, Rowe, Salatiello, Weatherspoon and Williams, the day, important business.

Rep. Mendenhall, the day, death in the family.

Rep. Grant, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Lynda Horsley, fiancée of Rep. Hunt. Velda Ruffner, wife of Rep. Ruffner. Bill Weeks, guest of Rep. Tholl. Gilliam Wylie, guest of Rep. Torr. Helen Holbrook, wife of Rep. Holbrook. Residents and staff of the Riverside Rest Home, guests of the Strafford County delegation.

**SPECIAL GUEST**

Doris Grandmason of Suncook, guest of the House.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 56**, establishing a procedure for reinstating corporate charters that have been expired for more than 3 years. (Amendment printed SJ 22, 6/8/99)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 82**, establishing a committee to study financial arrangements among hospitals, physicians, and insurance companies. (Amendment printed SJ 22, 6/8/99)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 519-L**, requiring law enforcement agencies to adopt written policies regarding emergency responses and vehicular pursuits. (Amendment printed SJ 22, 6/8/99)

Rep. Mock moved that the House concur and spoke in favor.

Adopted.

**HB 532**, establishing a commission to study early childhood education. (Amendment printed SJ 22, 6/8/99)

Rep. O'Hearn moved that the House concur and spoke in favor.

Adopted.

**HB 604**, relative to filling a vacancy in the office of county commissioner. (Amendment printed SJ 21, 5/27/99)

Rep. Hess moved that the House concur and spoke in favor.  
Adopted.

**HB 667**, relative to the quorum required for sessions of the supreme court. (Amendment printed SJ 22, 6/8/99)

Rep. Mock moved that the House concur and spoke in favor.  
Adopted.

## COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL 67

**HB 67**, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses.

(Report printed SJ 22, 6/8/99)  
Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR – PART I

Rep. Chandler moved that the Consent Calendar, Part I, with the relevant amendments as printed in the day's House Record be adopted.

**SB 74**, relative to the rule making authority of the real estate commission concerning practices relating to certain dwellings, removed by Rep. Mirski.

**SB 173-FN**, relative to optional allowances for beneficiaries of New Hampshire retirement system members, removed by Rep. Mirski.

**SB 182-FN**, relative to eligibility for ordinary death benefits under the New Hampshire retirement system, removed by Rep. Mirski.

**SB 217-FN**, relative to real estate brokers of other jurisdictions doing business in this state, removed by Rep. Mirski.

Consent Calendar adopted.

**SB 170-FN-A**, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Iris Estabrook for Education: Given the positive potential of the Parents as Teachers program for the long-term benefit of the children of New Hampshire, the committee would like to continue work on unresolved issues of program and budgetary coordination. Vote 16-0.

**SB 208-FN**, establishing a "parents as scholars" program. RE-REFER TO COMMITTEE

Rep. Iris Estabrook for Education: Since this bill involves policy in the area of Health & Human Services, the Education committee would like to re-refer to enable further study, for the purpose of determining the value of this program. Vote 16-0.

**SB 94**, relative to absentee voter affidavits. RE-REFER TO COMMITTEE

Rep. James R. Splaine for Election Law: This bill would have absentee voters sign an affidavit when they request a ballot rather than on the envelope in which the ballot is enclosed. There is some value in the idea proposed by this bill, but logistics need to be worked out and considered. This is a paradigm shift in the way we validate absentee voter ballots so further study by the committee is requested. Vote 13-0.

**SB 116**, eliminating straight ticket voting. RE-REFER TO COMMITTEE

Rep. Michael S. Rollo for Election Law: This bill would eliminate the straight ticket voting procedure during the general election. The committee was of the opinion that with all of the confusion surrounding straight ticket voting, and the time constraints, the committee would prefer to study this important issue and report back to the House fully and appropriately. Vote 13-0.

**SB 164**, relative to persons exempted from the registration of ophthalmic dispensers. OUGHT TO PASS WITH AMENDMENT

Rep. Carolyn A. Virtue for Executive Departments and Administration: SB 164, as amended, clarifies the existing statute relative to individuals exempt from registration while employed by an ophthalmic dispenser, licensed physician or optometrist. Vote 15-0.

**Amendment (1332h)**

Amend RSA 327-A:13, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The activities of any employee of an ophthalmic dispenser, *licensed physician, or optometrist if the employee is not engaged in [the] ophthalmic dispensing [of eyeglasses or contact lenses including, but not limited to, the sale of related products, laboratory technicians and the making of minor mechanical repairs upon eyeglasses or frames] as defined in RSA 327-A:1, I. Such activities shall include, but not be limited to, the sale of related products, work performed by laboratory technicians, and the making of minor mechanical repairs on eyeglasses or frames.*

**SB 193-FN**, relative to holiday pay for certain state employees. **OUGHT TO PASS**

Rep. Maurice E. Goulet for Executive Departments and Administration: The bill clarifies a minor point in holiday pay for approximately 23 persons at New Hampshire Hospital and the Department of Corrections. Each of the above persons must work a minimum of 24 hours per week. It only affects one holiday per year, Washington's Birthday, and has less than \$10,000 impact per year for the next three years. Vote 14-0.

**SB 216-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. **RE-REFER TO COMMITTEE**

Rep. Ray F. Langer for Executive Departments and Administration: This bill allows veterans of military services or the New Hampshire National Guard or reserves to purchase up to four years additional creditable service toward the retirement system or if National Guard, one year of purchased time for each five years of National Guard duty or reserve service time. The payment was to have been made in either a lump sum or by installments, however, there was no time limit applied to the length of time required to pay the full amount of the actuarial cost for the time purchased. It was felt that further study was required to solve this problem. Vote 15-0.

**HB 501-FN-A**, relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton. **OUGHT TO PASS WITH AMENDMENT**

Rep. Norman L. Major for Finance: The appropriation has been removed from the original bill and now allows the community to provide funding for the study of repairs required to restore the covered railroad bridge in Contoocook village in the town of Hopkinton. This bill now allows the Department of Cultural Resources to use state, federal and private grants and funds for the purpose of this study. Vote 23-0.

**Amendment (1475h)**

Amend the bill by replacing section 2 with the following:

2 Study Required. The department of cultural resources may hire a competent structural engineering firm to study and evaluate the repairs required to restore the covered railroad bridge in Contoocook village in the town of Hopkinton. A report containing the firm's recommendations and findings shall be submitted to the speaker of the house, the senate president, and the governor on or before June 30, 2000.

**SB 45-FN-A**, allowing a waiver of interest for the time period of an extension of the date of payment of the legacies and successions tax. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Finance: This bill allows heirs, legatees, or interested persons granted an extension of time for payment of legacies and successions tax by the probate court to apply to the Commissioner of the Department of Revenue Administration for a waiver of interest that accrued during the period of the extension. Waivers may be granted for good cause. DRA declares that decreases of state revenues are indeterminable. Vote 23-0.

**SB 129-L**, requiring school districts to disclose any reimbursements received to offset special education expenditures. **OUGHT TO PASS**

Rep. Jean R. Wallin for Finance: By requiring that school districts report both actual special education expenditures and off-setting revenues in their annual reports, citizens will be better able to judge the true cost of special education. With enactment of this bill the school districts' annual report will contain the prior two years' activity. Vote 22-1.

**SB 71**, prohibiting the use of MTBE as an additive in gasoline. RE-REFER TO COMMITTEE  
Rep. Jacqueline A. Pitts for Science, Technology and Energy: This bill would ban the additive methyl tertiary butyl ether (MTBE) in gasoline completely. The committee has passed SB 70 and HB 694-FN and feels that we need this bill only to retain a vehicle for further action, if necessary. Vote 16-1.

### REGULAR CALENDAR – PART I

**HB 743**, requiring that the question relative to the necessity for a convention to revise the New Hampshire constitution be presented to the voters in the November 2000 general election. **OUGHT TO PASS**

Rep. Francis W. Davis for Election Law: After spirited debate, the committee approved this bill at a vote of 8-5. The majority of the committee felt that the question on the necessity of a convention to revise the NH Constitution should be presented to the voters in the November 2000 election. The last constitutional convention was held in 1984. The voters did not approve a constitutional convention in 1994. Vote 8-5.

Rep. Corbin spoke against.

Rep. Francis Davis spoke in favor and yielded to questions.

Rep. Weber spoke in favor.

Rep. Francis Davis requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 224 NAYS 100

#### YEAS 224

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Thomas, John

Boriso, Thomas  
Lawton, David  
Turner, Robert

Boyce, Robert  
Millham, Alida  
Wendelboe, Francine

Czech, Stanley  
Rosen, Ralph  
Wood, Jane

#### CARROLL

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry  
Torresen, Gary

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth  
Sullivan, P Judith

#### CHESHIRE

Avery, Stephen  
Lerandeau, Alfred  
Robertson, Timothy

Blaisdell, Michael  
Pratt, John  
Rose, William

Burnham, Daniel  
Riley, William  
Smith, Edwin

Hunt, John  
Roberts, William

#### COOS

Davis, Perley  
Landers, Dana  
Woodward, David

Glines, Sara  
Merrill, Gerald

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Tholl, John, Jr

#### GRAFTON

Akins, Ralph  
Cobb, John  
Ham, Bonnie  
LaMott, Paul  
Scanlan, David

Alger, John  
Dudley, Terri  
Harmon, Hobart  
Marshall, Gene  
Solow, Martha

Almy, Susan  
Eaton, Stephanie  
Hinman, Harry  
Phinney, William  
Ward, Brian

Brothers, Richard  
Gilman, G Michael  
Johnson, Gary  
Picconi, Al  
Weber, Phil

#### HILLSBOROUGH

Ahern, Richard  
Batula, Peter  
Bergin, Peter  
Chabot, Robert

Andrews, Frederick  
Beaupre, Roland  
Brundige, Robert  
Christiansen, Lars

Arnold, Thomas, Jr  
Belvin, William  
Buckley, Raymond  
Clegg, Robert, Jr

Baroody, Benjamin  
Bergeron, Lucien  
Calawa, Leon, Jr  
Coughlin, Pamela

Dalianis, Griffin  
 Durham, Susan  
 Foster, Linda  
 Haettenschwiller, Alphonse  
 Holley, Sylvia  
 Kurk, Neal  
 Lefebvre, Roland  
 Martel, Andre  
 McDonough-Wallace, Alice  
 Moran, Edward  
 O'Hearn, Jane  
 Peterson, Andrew  
 Thulander, O Alan  
 White, Donald

Daniels, Gary  
 Dyer, Merton  
 Gagnon, Eugene  
 Hall, Betty  
 Jean, Claudette  
 L'Heureux, Robert  
 Leonard, Peter  
 McCarthy, William  
 McGough, Tim  
 Mosher, William  
 Ouellette, Dean  
 Sarette, John  
 Turgeon, Roland  
 Withee, Dennis

Dawe, Eileen  
 Fenton, James  
 Garrish, Linda  
 Hansen, Herbert  
 Jean, Loren  
 LaPorte, George  
 Lessard, Rudy  
 McCarty, Winston  
 McRae, Karen  
 Murphy, Robert  
 Pappas, Marc  
 Sargent, Maxwell  
 Vaillancourt, Steve

Desrosiers, William  
 Fields, Dennis  
 Goulet, Maurice  
 Herman, Keith  
 Johnson, Lionel  
 Lasky, Bette  
 MacGillivray, Jeffrey  
 McDonald, James, Sr  
 Messier, Irene  
 O'Connell, Timothy  
 Pepino, Leo  
 Tate, Joan  
 Wall, Nancy

### MERRIMACK

Anderson, Eric  
 Chase, George  
 French, Barbara  
 Kennedy, Richard  
 Marple, Richard  
 Wallin, Jean

Asplund, Bronwyn  
 Daneault, Gabriel  
 Gile, Mary  
 Larrabee, David, Sr  
 Poulin, Dave  
 Whalley, Michael

Bouchard, Candace  
 Davis, Francis  
 Hager, Elizabeth  
 Leber, William  
 St Cyr, Gerard

Brewster, Richard  
 Fortnam, Janet  
 Jacobson, Alf  
 Lockwood, Priscilla  
 Virtue, Carolyn

### ROCKINGHAM

Abbott, Dennis  
 Bridle, Russell  
 Cox, Russell  
 Flanders, David  
 Henderson, Warren  
 Katsakiores, George  
 Langley, Jane  
 Major, Norman  
 Nowe, Ronald  
 Priestley, Anne  
 Ruffner, Walter  
 Weare, Everett

Arndt, Janet  
 Case, Margaret  
 Dearborn, Bruce  
 Flanders, John, Sr  
 Hutchinson, Karen  
 Katsakiores, Phyllis  
 Langone, John  
 McKinney, Betsy  
 Noyes, Richard  
 Quandt, Marshall  
 Stickney, Nancy  
 Welch, David

Beaulieu, Jon  
 Clark, Martha  
 Dowling, Patricia  
 Francoeur, Sheila  
 Hutchinson, Rebecca  
 Kelley, Jane  
 Letourneau, Robert  
 Moore, Benjamin  
 O'Neil, Michael  
 Rabideau, Marie  
 Tufts, J Arthur  
 Weyler, Kenneth

Belanger, Ronald  
 Clark, Vivian  
 Fesh, Robert  
 Hamel, Albert  
 Johnson, Robert  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Morse, Charles  
 Packard, Sherman  
 Rubin, George  
 Vaughn, Charles  
 Whittier, John

### STRAFFORD

Berube, Roger  
 McKinley, Robert  
 Torr, Franklin

Cossette, Larry  
 Musler, George  
 Tsiros, William

DeChane, Marlene  
 Rollo, Michael  
 Vincent, Francis

Gilmore, Gary  
 Spear, Barbara  
 Woods, Phyllis

### SULLIVAN

Burling, Peter  
 Phinizy, James

Donovan, Thomas, Jr.  
 Robb-Theroux, Amy

Kibbey, David  
 Tuthill, John

Leone, Richard

### NAYS 100

### BELKNAP

Pilliod, James

### CARROLL

None

### CHESHIRE

Batchelder, Robert  
 Lynott, Margaret  
 Pratt, Irene

DePecol, Benjamin  
 McGuirk, Paul  
 Richardson, Barbara

Doucette, Richard  
 Meader, David  
 Russell, Ronald

Lynch, Margaret  
 Mitchell, McKim  
 Zerba, Roger

**COOS**

Hawkinson, Marie	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Copenhaver, Marion	Densmore, Jessica	Guest, Robert	Hall, David
Mirski, Paul	Nordgren, Sharon		

**HILLSBOROUGH**

Arthur, Rose	Bruno, Pierre	Carlson, Donald	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Drabinowicz, A
Dwyer, Paul, Sr	Ford, Nancy	Franks, Suzan	Ginsburg, Ruth
Goley, Jeffrey	Herman, Richard	Keye, Harvey	Konys, Christine
Lynde, Harold	Martin, Mary	McColgan, Philip, Jr	Moriarty, Mary
Reidy, Frank	Simon, Anthony	White, John	

**MERRIMACK**

Crosby, Toni	Feuerstein, Martin	Fraser, Marilyn	Langer, Ray
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Owen, Derek
Potter, Frances	Reardon, Tara	Rodd, Beth	Seldin, Gloria
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Blanchard, MaryAnn	Cooney, Richard	Corbin, C David	DiFruscia, Anthony
Dolan, Richard	Flanagan, Natalie	Gibbons, Paul	Kane, Cecelia
Norelli, Terie	Pitts, Jacqueline	Putnam, Ed, II	Raynowska, Bernard
Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stritch, C Donald	Varrell, Thomas	Zolla, William	

**STRAFFORD**

Brennan, William	Callaghan, Frank	Dunlap, Patricia	Estabrook, Iris
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Wall, Janet		

**SULLIVAN**

Allison, David	Cloutier, John	Wiggins, Celestine
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and the report was adopted.

Ordered to third reading.

Rep. Stone did not vote and wished to be recorded in favor.

**SB 47-FN**, relative to compensation for time lost by fish and game conservation officers for injuries received in the line of duty, and restoring certain leave time for a conservation officer injured while on duty on August 19, 1997. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ray F. Langer for Executive Departments and Administration: This bill restores sick leave and annual leave time that Conservation Officer Wayne T. Saunders lost as a result of his being shot in the Carl Drega case. Vote 16-0.

**Amendment (1544h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to restoring certain leave time for a conservation officer injured while on duty on August 19, 1997.

Amend the bill by replacing all after the enacting clause with the following:

1 Certain Officer's Annual Leave and Sick Leave Benefits Restored. On August 19, 1997, conservation officer Wayne T. Saunders was shot by Carl Drega, while performing his duties as a conservation officer for the New Hampshire fish and game department. As a result, Officer Saunders

suffered a debilitating injury to his right arm and shoulder, was hospitalized, and received workers compensation benefits. During such time, Officer Saunders was unable to perform his normal duties as a conservation officer and his accrued sick leave and annual leave time was used to augment workers compensation benefits. Any sick leave and annual leave time accrued to August 19, 1997, which was lost as a direct result of his line of duty injury as determined by the executive director of fish and game, shall be restored.

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill restores certain leave time for a conservation officer injured while on duty on August 19, 1997.

Adopted.

Report adopted and ordered to third reading.

**SB 113**, establishing a division of travel and tourism development within the department of resources and economic development. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard, C. Dickinson, Jr. for Executive Departments and Administration: This bill, as amended, elevates the Office of Vacation Travel to the Division of Travel and Tourism Development within the Department of Resources and Economic Development. In addition to establishing an unclassified director of the division, the bill reclassifies and upgrades three current positions and adds three new positions to the staff increasing the division budget for FY 2000 by \$138,607 and for FY 2001 by \$131,523. The committee unanimously agreed that it is important to make this change in light of the many faceted, growing tourism industry in New Hampshire. It has been said that for every dollar we spend on tourism, \$8 in revenue is returned to the state. Vote 14-0.

### Amendment (1452h)

Amend RSA 12-A:44, II as inserted by section 6 of the bill by replacing it with the following:

II. The advisory committee shall consist of the director of the division of travel and tourism development, 3 individuals at-large having an interest in travel and tourism, and an individual representing each of the following:

- (a) Chambers of Commerce.
- (b) Regional and/or statewide trade associations.
- (c) Lodging.
- (d) Food and beverage.
- (e) Recreation.
- (f) Attractions.
- (g) Camping.
- (h) Culture, arts, and history.
- (i) Environment and wildlife.
- (j) Retail industry.
- (k) Transportation.
- (l) Education.

Amend the bill by replacing section 10 with the following:

10 Reference Change. Amend RSA 216-A:3-f, III to read as follows:

III. Funding for park system promotion shall be appropriated to the division of parks and recreation and shall be expended with the assistance of the ~~[office of vacation travel of the division of economic development]~~ *division of travel and tourism development*.

Adopted.

Report adopted and referred to Finance.

**SB 187-FN-L**, relative to payment of group health insurance premiums for eligible retired teachers in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill establishes a post retirement medical plan for certain members of the teachers' component of the New Hampshire Retirement System. Initially those teachers retired as of June 30, 1999 will be covered and the bill provides for additional coverage for those not yet retired but are retired by June 30, 2000, 2001, 2002, 2003 and 2004. The funds for the initial group will be drawn from the teachers' special ac-



count and the balance of the funds encumbered and drawn each year as required. These funds will be drawn from the special account which as of June 30, 1998 has \$182.6 million for additional benefits (1) to provide supplemental allowances or COLA's, and (2) to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the retirement system. To date, approximately \$19 million has been withdrawn for a 4 percent COLA payable July 1, 1999 leaving a balance of \$163 million. The cost in year 2000 is \$70.43 million and the ultimate cost by June 30, 2004 will be \$89.1 million. After payment of these costs without future additions to the special account and no accrued interest, will still leave \$73.9 million for additional COLAs. This trust fund will be terminally funded and is finite. Additional funds or additional coverage requires that it be terminally funded from the special account and only with legislative approval. There is no obligation on the Legislature or the state to fund this program beyond the funds available. The bill as amended will provide an amount of \$202 for a non-Medicare plan or \$128 for a Medicare eligible plan (equal the amount available the police and fire under their post-retirement medical plan) and may increase by an amount not to exceed 8 percent compounded per year. This type of plan has been available to the Group II members since 1988. The funds for this coverage shall be paid only to their political subdivision or their medical coverage carrier. The last portion of the bill includes an amendment to include permanent police officers retired between July 1, 1993 and before July 1, 1995. This will be terminally funded by the police special account. The total is \$15 million leaving a balance at this time of \$56.9 million less the COLA due July 1, 1999 of \$9.4 million. Vote 16-0.

### **Amendment (1453h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to payment of group health insurance premiums for eligible retired teachers and for certain active or retired group II members in the New Hampshire retirement system.

Amend the bill by replacing all after section 3 with the following:

4 New Sections; Group I Teachers; Medical Benefits; Payment; Financing. Amend RSA 100-A by inserting after section 53 the following new sections:

100-A:53-a Payment by Retirement System; Group I Teachers.

I. The New Hampshire retirement system shall pay the cost for permanent group hospitalization, hospital medical care, surgical care and other medical and surgical benefits, in the employer-sponsored plan provided for active employees of a retiree's former employer, subject to the provisions of this section, for the following persons:

(a) Any person, who has at least 20 years of creditable service as a group I teacher member if age 60 or older, or at least 30 years of creditable service as a group I teacher member if age 55-59, retired on or before July 1, 2004 as a group I teacher member of the New Hampshire retirement system on service or disability retirement, provided that such person shall be entitled to retirement on the basis of group I creditable service without including any credit for service as a group I employee member of the retirement system, or any person retired on or before July 1, 2004, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 20 years of creditable service as a group I teacher member.

(b) The spouse of such a qualified retiree.

(c) The surviving spouse of a deceased retired group I teacher member who met the qualifications of subparagraph (a), or of a deceased member who died while in service as a group I teacher member, provided that such surviving spouse was covered as the member's spouse in the employer-sponsored plan before the member's death and is entitled to a monthly allowance under RSA 100-A:8, 100-A:9, or 100-A:13.

(d) Any certifiably dependent child with a disability living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse.

(e) The surviving spouse and children of a deceased group I teacher member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(1) Any such child shall be qualified under this subparagraph only if under 18 years of age, or under 23 years of age if attending school on a full-time basis; and

(2) Such surviving spouse shall cease to be qualified upon the remarriage of the surviving spouse; and

(3) No surviving spouse or child shall be qualified or continue to be qualified under this subparagraph while receiving or eligible to receive medical insurance or health care benefits from any employer-sponsored plan.

(f) Any person who has completed no less than 20 years of group I teacher creditable service, but who for reasons other than retirement or death ceased to be a group I teacher member prior to attaining the age of 60, and who, as of July 1, 2004, receives a vested deferred retirement allowance and who subsequently attains the age of 60.

(g) Any person who has completed no less than 20 years of group I teacher creditable service and who retired as a group I teacher member prior to age 60, and who subsequently attains the age of 60.

II. However, for the fiscal year beginning July 1, 1999, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to medicare benefits, and on account of each person qualified under paragraph I who is entitled to medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. As of July 1, 1999, and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.

III. In the case of group I teacher members retired from employment by political subdivisions of the state, if the cost of the premium for any eligible person under paragraph I shall exceed the maximum under paragraph II, and the employer does not elect to pay the excess cost, the excess cost shall be paid by the retiree or qualified surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The employer may require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

IV. There shall be no age limit to participate in the employer sponsored medical and health plan provided in paragraph I, and there shall be no physical examination or health statement required for such coverage, provided, however, that if an eligible retired group I teacher member of the retirement system fails to apply for such coverage within the time required by the insurance contract, the insurer may require satisfactory evidence of insurability as a condition for becoming insured.

V. Any group I teacher member retired before January 1, 2000, or other eligible person under paragraph I, who would have been eligible for medical benefits under this section if this section had been in effect on the member's date of retirement, shall have the option of re-joining the medical or health plan sponsored by the retired member's former employer and of receiving benefits under this section, provided that such eligible person shall apply to the employer for such benefits before January 1, 2002. Upon receipt of such application, the former employer shall enroll such retiree or other eligible person in the employer's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees of that employer. Neither an employer nor an employer's group plan or insurer shall be liable for any claims incurred prior to the date of enrollment under this paragraph.

VI. The retirement system shall notify all group I teacher retirees and surviving spouse beneficiaries, who are currently drawing monthly allowances from the retirement system, of their possible right to re-join an active-employee medical insurance or health plan and to receive benefits under this section.

VII. Any person who is eligible to receive group insurance or other medical benefits under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the benefits allowable under this section without any waiting period.

#### 100-A:53-b Method of Financing; Group I Teachers.

I. The benefits provided under RSA 100-A:53-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. The 401(h) subtrust shall be funded by allocating 25 percent of future group I teacher employer contributions made for group I teachers in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:53-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated

interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter may be used or diverted to provide medical benefits under RSA 100-A:53-a. The funds, if any, providing medical benefits under RSA 100-A:53-a may be invested pursuant to the provisions of RSA 100-A:15.

5 New Paragraph; Application. Amend RSA 100-A:55 by inserting after paragraph I the following new paragraph:

I-a. It is the intent of the legislature that future group I teacher members eligible after July 1, 2004 shall be included under the provisions of RSA 100-A:53-a only if the total cost of such inclusion can be terminally funded from the special account established under RSA 100-A:16, II(h).

6 Funding. The sum of \$89,100,000 is hereby transferred from the group I teacher special account balance existing on June 30, 1999 for the purpose of funding RSA 100-A:53-a and 53-b as inserted by section 4 of this act.

7 Payment of Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of ~~[June 30, 1993, except for active or retired permanent firemen members to whom the additional benefits shall apply as of]~~ June 30, 1995; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II after June 30, 1988, but before July 1, ~~[1993]~~ 1995 or permanent firemen members of group II after June 30, 1988, but before July 1, 1995. Such additional benefits shall not apply to other persons who become members of group II after ~~[June 30, 1993, or in the case of permanent firemen members, after]~~ June 30, 1995, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

8 Effective Date.

I. Sections 1-6 of this act shall take effect January 1, 2000.

II. The remainder of this act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill provides for the payment by the retirement system of the cost of group health insurance for eligible retired teachers. The additional benefits shall be funded from the special account for current retired teachers and projected eligible teachers for the next 5 years.

The bill also includes certain active or retired group II members for funding of payment of medical benefits.

Adopted.

Rep. Dyer yielded to questions.

Report adopted and referred to Finance.

Reps. Francis Davis, Feuerstein, Claudette Jean and O'Connell declared conflicts of interest and did not participate.

### HB 346-FN-A, relative to permissible fireworks. OUGHT TO PASS WITH AMENDMENT

Rep. Steve Vaillancourt for Finance: The new amendment increases the license fee for locations which sell fireworks from \$1500 to \$2000. Finance found this necessary to assure the bill's policy intent, that of establishing a seasonal part-time fireworks inspector was maintained, while at the same time, the general fund will not be increased. The original amendment which increased the fee from \$1000 to \$1500 was deemed insufficient to meet the \$17,300 per year cost of the new position. The Department of Safety estimates that 15 locations will be licensed to sell fireworks. Vote 21-0.

### Amendment 1468(h)

Amend RSA 160-B:6, V as inserted by section 8 of the bill by replacing it with the following:

V. The fee for a license for each location shall be ~~[\$1,000]~~ \$2,000 per year, payable annually to the department of safety for deposit into the general fund.

Amend RSA 160-C:3, VII as inserted by section 14 of the bill by replacing it with the following:

VII. The fee for a license for each location shall be \$2,000 per year, payable annually to the department of safety for deposit into the general fund.

Adopted.

Report adopted and ordered to third reading.

**HB 363-FN**, increasing the bonding limit of the school building authority. **OUGHT TO PASS**  
Rep. Norman L. Major for Finance: This bill increases from \$75,000,000 to \$95,000,000 the limit on the issuance of bonds and notes by the school building authority. The debt limit is currently within a million dollars of the authorized level. The \$20,000,000 increase requested by the state treasurer is required to meet ongoing school district debt that can be guaranteed by the state. Vote 22-0.  
Adopted and ordered to third reading.

**HB 412-FN**, relative to the powers of the state treasurer and increasing the limit on state indebtedness, and relative to the use of bond proceeds awarded under a state guarantee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jean R. Wallin for Finance: This bill was originally requested by the State Treasurer to increase the limit of state indebtedness to 20% of general fund expenditures; require that all payments to the state be made in US currency; clarify the duties of deputy treasurers; and require that excess premiums after the sale of bonds be deposited into the general fund. Subsequent amendments require that the Business Finance Authority award state guarantees to facilities in economically depressed areas and repeal the requirement that bonds be issued only by FDIC insured banks. These lending institutions are not willing to lend money in economically depressed areas so this repeal will enable the BFA to cover the residual risk required by the IRS in lease projects currently designed to preserve as many as 800 jobs in the Franklin/Laconia area. These economic development efforts by the BFA are not paid out of the general fund. Vote 20-0.

#### Amendment (1546h)

Amend the bill by replacing all after section 5 with the following:

6 Repeal. The following are repealed:

I. RSA 6:23, relative to duties of the deputy treasurers.

II. RSA 162-I:9-b, III, relative to the minimum charge on the reasonable value of a state guarantee.

III. RSA 162-I:9-b, III-a, relative to the use of bond proceeds awarded under a state guarantee.

IV. RSA 162-I:9-b, VIII, relative to guaranteed loans issued by a federally insured depository institution.

7 Applicability of Prospective Repeal. Any bonds awarded under the provisions of RSA 162-I:9-b, III-a shall not be affected by the prospective repeal in paragraph III of section 6 of this act.

8 Effective Date.

I. Paragraph III of section 6 of this act shall take effect July 1, 2002.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Increases the limit of state indebtedness for borrowing in anticipation of insufficient general funds from \$125,000,000 to \$200,000,000.

II. Requires that any excess board premiums remaining after the sale of bonds and the payment of bond issuance costs be deposited into the general fund.

III. Clarifies the duties of the deputy state treasurers.

IV. Requires that all payments due to the state be paid in United States dollars.

Adopted.

Rep. Wallin yielded to questions.

#### MOTION TO LAY ON THE TABLE

Rep. Martin moved that **HB 412-FN**, relative to the powers of the state treasurer and increasing the limit on state indebtedness, and relative to the use of bond proceeds awarded under a state guarantee, be laid on the table.

On a division vote, 29 members having voted in the affirmative and 285 in the negative, the motion failed.  
Report adopted and ordered to third reading.

**REGULAR CALENDAR – PART I (CONT'D.)****HB 542-FN-A, relative to the rate of and exemptions from the legacies and succession tax. OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: There has been a long-term interest in decreasing the rate of the legacy and succession tax. The tax was increased to 18% in 1991. Sponsors of the bill objected to the fact that it was imposed on non-lineal or unrelated heirs, but not on lineal heirs. They proposed a 7% rate, adding lineal descendants and exempting the first \$100,000, attempting to make the change revenue neutral. The committee objected to adding a new tax to a large group that had been by tradition and common law the natural heirs and therefore exempt under NH law. The committee amendment attempts to accomplish the sponsors' intent by reducing the rate of the tax by 1% per year from June 30, 2001 until June 30, 2008. The permanent rate will then be 8%. The plan is to keep the resulting revenue at a flat rate. Natural growth from other sources will lead this tax to be a less significant revenue source and will allow its repeal long-term to be a less controversial event. There will be no effect on general fund revenue this year or in the FY 00-01 biennium. Vote 18-6.

**Amendment (1317h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the rate of the legacies and succession tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of the Legacies and Succession Tax. Amend RSA 86:6, I to read as follows:

I.(a) All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciliaries of the state; and all real estate within the state, or any interest therein, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by the laws regulating intestate successions, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be subject to a tax ~~[of 18 percent of its fair market value]~~, for the use of the state *at a rate as provided in subparagraph (b) on its fair market value*, except as provided in paragraphs II and III and RSA 86:9-a.

*(b)(1) For the biennium ending June 30, 2001, the rate of the tax shall be 18 percent.*

*(2) For the fiscal year ending June 30, 2002, the rate of the tax shall be 17 percent.*

*(3) For the fiscal year ending June 30, 2003, the rate of the tax shall be 16 percent.*

*(4) For the fiscal year ending June 30, 2004, the rate of the tax shall be 15 percent.*

*(5) For the fiscal year ending June 30, 2005, the rate of the tax shall be 14 percent.*

*(6) For the fiscal year ending June 30, 2006, the rate of the tax shall be 13 percent.*

*(7) For the fiscal year ending June 30, 2007, the rate of the tax shall be 12 percent.*

*(8) For the fiscal year ending June 30, 2008, the rate of the tax shall be 11 percent.*

*(9) For the fiscal year ending June 30, 2009, the rate of the tax shall be 10 percent.*

*(10) For the fiscal year ending June 30, 2010, the rate of the tax shall be 9 percent.*

*(11) Beginning July 1, 2010, the rate of the tax shall be 8 percent.*

2 Effective Date. This act shall take effect July 1, 1999.

**AMENDED ANALYSIS**

This bill changes the rate of the legacies and succession tax.

Adopted.

Rep. John Pratt offered a floor amendment (1405h).

**Floor Amendment (1405h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the rate of and exemptions from the legacies and succession tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of and Exemptions from the Legacies and Succession Tax. Amend RSA 86:6, I and II to read as follows:

I. All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciliaries of the state; and all real estate within the state, or any interest therein, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by the laws regulating intestate successions, or by deed, grant, bargain, sale or gift, made in contem-

plation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be subject to a tax of [†8] 7 percent of its fair market value for the use of the state, except as provided in paragraphs II and III and RSA 86:9-a.

II. *The first \$100,000 of the fair market value of real and personal property of the decedent shall be exempt from the tax imposed in paragraph I.* Real and personal property of the decedent shall be exempt from the tax imposed in paragraph I, if it passes to or for the use of any of the following:

(a) The decedent's spouse;

~~(b) [The decedent's lineal ascendants and the decedent's lineal descendants together with the spouses of said ascendants and descendants, provided that such ascendants and descendants have not been adopted by another person;~~

~~(c) The decedent's adopted children together with the spouses and lineal descendant of such adopted children;~~

~~(d)~~ The care of cemetery lots in this state;

~~(e)~~ (c) A city or town in this state for public municipal purposes;

~~(f)~~ (d) Educational, religious, cemetery, or other institutions, societies, or associations of public charity in this state, or in any other state, territory, or country, the laws of which at the time of the death of the decedent provide either of the following:

(1) Do not impose a transfer or death tax of any kind;

(2) Grant an exemption similar to that provided for in this paragraph, to their domiciliaries, for the property passing to charities in this state.

~~(g) A person who for 10 consecutive years prior to the person's fifteenth birthday was a member of the household of the decedent.~~

~~(h) The decedent's stepchildren of the current marriage or of the most recent marriage together with the spouses and the lineal descendants of such stepchildren.]~~

2 Reference Changed. Amend RSA 86:22, II to read as follows:

II. A report pursuant to paragraphs I, III, and IV of this section shall describe the location and title reference of real property and need not state the nature or amount of personal property in the case of any transfers of real or personal property or joint tenancies in which all transferees or surviving joint tenants are exempt under RSA [86:6, H(a), (b), (c), or (h)] **86:6, II.**

3 Repeal. The following are repealed:

I. RSA 86:5-a, I, relative to the definition of decedent's adopted child or children.

II. RSA 86:6, III, relative to an exemption from the legacies and succession tax for certain siblings.

4 Effective Date. This act shall take effect July 1, 1999.

#### AMENDED ANALYSIS

This bill changes the rate of the legacies and succession tax and changes exemptions from the tax. Rep. Almy spoke in favor and yielded to questions.

Reps. Weyler and Vivian Clark spoke against and yielded to questions.

Rep. Mirski spoke in favor.

Rep. McGuirk requested a quorum count. The Speaker declared a quorum present.

Rep. McGuirk spoke in favor.

Rep. Major spoke against.

Rep. McGuirk requested a roll call; sufficiently seconded.

The question being the adoption of the John Pratt floor amendment (1405h).

**YEAS 135 NAYS 201**

**YEAS 135**

**BELKNAP**

Rice, Thomas

Rosen, Ralph

Wood, Jane

**CARROLL**

Babson, David, Jr

Mock, Henry

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Doucette, Richard	Lerandeau, Alfred	Lynott, Margaret	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Roberts, William	Robertson, Timothy
Russell, Ronald			

**COOS**

Hawkinson, Marie	Landers, Dana	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Johnson, Gary	Mirski, Paul	Nordgren, Sharon	Solow, Martha

**HILLSBOROUGH**

Arthur, Rose	Baroody, Benjamin	Buckley, Raymond	Clemons, Jane
Cote, David	Drabinowicz, A	Dwyer, Paul, Sr	Foster, Linda
Franks, Suzan	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Haettenschwiller, Alphonse	Hall, Betty	Jean, Claudette	Jean, Loren
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Martin, Mary	McCarthy, William	McColgan, Philip, Jr	McDonough-Wallace, Alice
Moriarty, Mary	O'Connell, Timothy	Reidy, Frank	Sarette, John
Turgeon, Roland	Vaillancourt, Steve	White, John	

**MERRIMACK**

Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard	Chase, George
Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Dearborn, Bruce
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Kobel, Rudolph
Langone, John	Lovejoy, Marian	Norelli, Terie	Pitts, Jacqueline
Rabideau, Marie	Ruffner, Walter	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Vaughn, Charles		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Johnson, Nancy
Kaen, Naida	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Snyder, Clair	Spang, Judith
Spear, Barbara	Twardus, Joseph	Vincent, Francis	Woods, Phyllis

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Phinizy, James	Tuthill, John	Wiggins, Celestine	

**NAYS 201****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Lawton, David	Millham, Alida	Pilliod, James
Thomas, John	Turner, Robert	Wendelboe, Francine	

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

**CHESHIRE**

DePecol, Benjamin	Hunt, John	Lynch, Margaret	Rose, William
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	LaMott, Paul
Marshall, Gene	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr	Cote, Peter
Coughlin, Pamela	Craig, James	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desrosiers, William	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Ford, Nancy
Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Herman, Richard	Holley, Sylvia	Kurk, Neal	L'Heureux, Robert
Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McDonald, James, Sr	McGough, Tim
McRae, Karen	Messier, Irene	Moran, Edward	Mosher, William
Murphy, Robert	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Crosby, Toni	Daneault, Gabriel	Davis, Francis
Hess, David	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Larrabee, David, Sr	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Nichols, Avis	Wallin, Jean
Whalley, Michael			

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bridle, Russell
Case, Margaret	Clark, Vivian	Cooney, Richard	Corbin, C David
Cox, Russell	DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Letourneau, Robert
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall



Raynowska, Bernard  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Reardon, Neil  
Stone, Joseph  
Verani, Giovanni  
Whittier, John

Rubin, George  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Sapareto, Frank  
Tufts, J Arthur  
Welch, David

### STRAFFORD

Cossette, Larry  
Lundborn, Raymond  
Torr, Franklin

Dunlap, Patricia  
McKinley, Robert  
Tsiros, William

Keans, Sandra  
Musler, George  
Wall, Janet

Knowles, William  
Taylor, Kathleen

### SULLIVAN

Kibbey, David

Leone, Richard

Robb-Theroux, Amy

Young, David

and the John Pratt floor amendment (1405h) failed.

Rep. McGuirk offered a floor amendment (1404h).

### Floor Amendment (1404h)

Amend the title of the bill by replacing it with the following:

AN ACT repealing the legacies and succession tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 86, relative to the legacies and succession tax, is repealed.

2 Effective Date. This act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill repeals the legacies and succession tax.

Rep. McGuirk spoke in favor.

Rep. Weyler spoke against and yielded to questions.

Rep. McGuirk requested a roll call; sufficiently seconded.

The question being the adoption of the McGuirk floor amendment (1404h).

**YEAS 181 NAYS 155**

**YEAS 181**

**BELKNAP**

Bartlett, Gordon  
Wood, Jane

Millham, Alida

Rice, Thomas

Rosen, Ralph

**CARROLL**

Babson, David, Jr  
Sullivan, P Judith

Dickinson, Howard

Mock, Henry

Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

Batchelder, Robert  
Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Blaisdell, Michael  
Lerandean, Alfred  
Meador, David  
Richardson, Barbara  
Zerba, Roger

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Riley, William

**COOS**

Hawkinson, Marie

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Dudley, Terri  
Johnson, Gary  
Solow, Martha

Brothers, Richard  
Guest, Robert  
Mirski, Paul  
Ward, Brien

Copenhaver, Marion  
Hall, David  
Phinney, William  
Weber, Phil

Densmore, Jessica  
Hinman, Harry  
Scanlan, David

**HILLSBOROUGH**

Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin	Beaupre, Roland
Bruno, Pierre	Buckley, Raymond	Carlson, Donald	Clemons, Jane
Craig, James	Dawe, Eileen	Desrosiers, William	Drabinowicz, A
Dwyer, Paul, Sr	Fields, Dennis	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Goulet, Maurice	Haettenschwiller, Alphonse
Hall, Betty	Herman, Richard	Jean, Claudette	Jean, Loren
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	McColgan, Philip, Jr
McDonald, James, Sr	McDonough-Wallace, Alice	McRae, Karen	Messier, Irene
Moriarty, Mary .	Mosher, William	Murphy, Robert	O'Connell, Timothy
Ouellette, Dean	Pappas, Marc	Reidy, Frank	Sarette, John
Tate, Joan	Turgeon, Roland	Vaillancourt, Steve	White, John
Withee, Dennis			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Lockwood, Priscilla	Maxfield, Roy	Moore, Carol
Owen, Derek	Potter, Frances	Poulin, Dave	Rodd, Beth
Seldin, Gloria	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Clark, Martha
Corbin, C David	Dearborn, Bruce	Griffin, Mary	Hutchinson, Karen
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Langley, Jane
Langone, John	Lovejoy, Marian	McKinney, Betsy	Norelli, Terie
O'Neil, Michael	Pitts, Jacqueline	Putnam, Ed, II	Rabideau, Marie
Rubin, George	Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth
Spaine, James	Vaughn, Charles	Whittier, John	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Johnson, Nancy
Lent, Donald	Lundborn, Raymond	McKinley, Robert	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Snyder, Clair
Spang, Judith	Spear, Barbara	Torr, Franklin	Twardus, Joseph
Vincent, Francis	Woods, Phyllis		

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas, Jr	Kibbey, David
Leone, Richard	Phiniza, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine	Young, David		

**NAYS 155****BELKNAP**

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Lawton, David	Pilliod, James	Thomas, John	Turner, Robert

**CARROLL**

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	MacDonald, Kenneth	Patten, Betsey	Torressen, Gary

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Smith, Edwin
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**COOS**

Davis, Perley	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Eaton, Stephanie
Gilman, G Michael	Ham, Bonnie	Harmon, Hobart	LaMott, Paul
Marshall, Gene	Nordgren, Sharon	Picconi, Al	

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Batula, Peter	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Calawa, Leon, Jr
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr	Cote, David
Cote, Peter	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fenton, James
Ford, Nancy	Foster, Linda	Gagnon, Eugene	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Kurk, Neal	L'Heureux, Robert
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McGough, Tim	Moran, Edward	O'Hearn, Jane
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Sargent, Maxwell
Simon, Anthony	Thulander, O Alan	Wall, Nancy	White, Donald

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Daneault, Gabriel	Davis, Francis
Hess, David	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Larrabee, David, Sr	Leber, William	Marple, Richard	Marshall, Kenneth
Nichols, Avis	Reardon, Tara	St Cyr, Gerard	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Case, Margaret
Clark, Vivian	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Hamel, Albert	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert
Major, Norman	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Priestley, Anne
Quandt, Marshall	Raynowska, Bernard	Reardon, Neil	Ruffner, Walter
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Verani, Giovanni	Weare, Everett	Welch, David
Weyler, Kenneth	Zolla, William		

**STRAFFORD**

Cossette, Larry	Dunlap, Patricia	Kaen, Naida	Keans, Sandra
Knowles, William	Musler, George	Taylor, Kathleen	Tsiros, William
Wall, Janet			

**SULLIVAN**

Burling, Peter

and the McGuirk floor amendment (1404h) was adopted.

The question now being the adoption of the report.

Rep. McGuirk spoke in favor.

Reps. Kurk, Wendelboe, and Chandler spoke against.

Rep. Donald White requested a roll call; sufficiently seconded.

**YEAS 173 NAYS 166****YEAS 173****BELKNAP**

Rice, Thomas	Rosen, Ralph	Wood, Jane
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**CARROLL**

Babson, David, Jr	Dickinson, Howard	Philbrick, Donald	Sullivan, P Judith
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**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

**COOS**

Glines, Sara	Hawkinson, Marie	Landers, Dana	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Brothers, Richard	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	Hall, David	Hinman, Harry	Johnson, Gary
Mirski, Paul	Nordgren, Sharon	Phinney, William	Scanlan, David
Solow, Martha	Ward, Brien	Weber, Phil	

**HILLSBOROUGH**

Arnold, Thomas, Jr	Arthur, Rose	Beaupre, Roland	Bergeron, Lucien
Bruno, Pierre	Buckley, Raymond	Clemons, Jane	Craig, James
Desrosiers, William	Drabinowicz, A	Dwyer, Paul, Sr	Franks, Suzan
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Haettenschwiller, Alphonse
Hall, Betty	Herman, Richard	Jean, Claudette	Jean, Loren
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lynde, Harold
Martin, Mary	McCarthy, William	McColgan, Philip, Jr	McDonald, James, Sr
McDonough-Wallace, Alice	McGough, Tim	McRae, Karen	Messier, Irene
Moriarty, Mary	Mosher, William	Murphy, Robert	O'Connell, Timothy
Reidy, Frank	Sarette, John	Turgeon, Roland	Vaillancourt, Steve
White, John			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Lockwood, Priscilla	Marple, Richard	Maxfield, Roy	Moore, Carol
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Corbin, C David
Dearborn, Bruce	Hutchinson, Karen	Hutchinson, Rebecca	Kane, Cecelia
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Lovejoy, Marian	Norelli, Terie	Pitts, Jacqueline	Putnam, Ed, II
Rubin, George	Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Stritch, C Donald	Vaughn, Charles	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Johnson, Nancy
Kaen, Naida	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Vincent, Francis	

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas, Jr	Kibbey, David
Leone, Richard	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine	Young, David		

**NAYS 166****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Lawton, David	Millham, Alida	Pilliod, James
Thomas, John	Turner, Robert	Wendelboe, Francine	

**CARROLL**

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Torresen, Gary			

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Ham, Bonnie	Harmon, Hobart
LaMott, Paul	Marshall, Gene	Picconi, Al	

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Baroody, Benjamin	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Cote, David	Cote, Peter	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Dawe, Eileen	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Ford, Nancy
Foster, Linda	Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Kurk, Neal	L'Heureux, Robert
Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	Moran, Edward	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Sargent, Maxwell	Simon, Anthony	Tate, Joan
Thulander, O Alan	Wall, Nancy	White, Donald	Withee, Dennis

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Davis, Francis	Hess, David
Kennedy, Richard	Langer, Ray	Larrabee, David, Sr	Leber, William
Marshall, Kenneth	Nichols, Avis	St Cyr, Gerard	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Case, Margaret
Clark, Vivian	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Letourneau, Robert
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Ruffner, Walter	Stickney, Nancy
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

**STRAFFORD**

Cossette, Larry	Dunlap, Patricia	Keans, Sandra	Knowles, William
Musler, George	Tsiros, William	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Burling, Peter

and the report was adopted.

Ordered to third reading.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. McGuirk moved that the House reconsider its action whereby it ordered to third reading *HB 542-FN-A*, repealing the legacies and succession tax and spoke against.

Rep. Christiansen requested a roll call; sufficiently seconded.

**YEAS 156 NAYS 176**

**YEAS 156****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Lawton, David	Millham, Alida	Pilliod, James
Thomas, John	Turner, Robert	Wendelboe, Francine	

**CARROLL**

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Torresen, Gary			

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Marshall, Gene	Picconi, Al
Weber, Phil			

**HILLSBOROUGH**

Ahern, Richard  
 Brundige, Robert  
 Christiansen, Lars  
 Dalianis, Griffin  
 Emerton, Lawrence  
 Foster, Linda  
 Herman, Keith  
 L'Heureux, Robert  
 MacGillivray, Jeffrey  
 Moran, Edward  
 Pepino, Leo  
 Simon, Anthony  
 White, Donald

Andrews, Frederick  
 Calawa, Leon, Jr  
 Clegg, Robert, Jr  
 Daniels, Gary  
 Fenton, James  
 Gagnon, Eugene  
 Holley, Sylvia  
 Lefebvre, Roland  
 Martel, Andre  
 O'Hearn, Jane  
 Peterson, Andrew  
 Tate, Joan  
 Withee, Dennis

Batula, Peter  
 Carlson, Donald  
 Cote, David  
 Durham, Susan  
 Fields, Dennis  
 Goulet, Maurice  
 Jean, Loren  
 Lessard, Rudy  
 McCarty, Winston  
 Ouellette, Dean  
 Reeves, Sandra  
 Thulander, O Alan

Belvin, William  
 Chabot, Robert  
 Coughlin, Pamela  
 Dyer, Merton  
 Ford, Nancy  
 Hansen, Herbert  
 Kurk, Neal  
 Lozeau, Donnalee  
 McGough, Tim  
 Pappas, Marc  
 Sargent, Maxwell  
 Wall, Nancy

**MERRIMACK**

Anderson, Eric  
 Kennedy, Richard  
 Nichols, Avis

Asplund, Bronwyn  
 Langer, Ray  
 Whalley, Michael

Davis, Francis  
 Larrabee, David, Sr

Hess, David  
 Leber, William

**ROCKINGHAM**

Arndt, Janet  
 Clark, Vivian  
 Dolan, Richard  
 Flanders, David  
 Gleason, John  
 Johnson, Robert  
 Major, Norman  
 Noyes, Richard  
 Quandt, Marshall  
 Rubin, George  
 Varrell, Thomas  
 Weyler, Kenneth

Beaulieu, Jon  
 Cooney, Richard  
 Dowling, Patricia  
 Flanders, John, Sr  
 Griffin, Mary  
 Katsakiores, George  
 Morse, Charles  
 O'Neil, Michael  
 Rabideau, Marie  
 Ruffner, Walter  
 Verani, Giovanni  
 Whittier, John

Belanger, Ronald  
 Cox, Russell  
 Fesh, Robert  
 Francoeur, Sheila  
 Hamel, Albert  
 Katsakiores, Phyllis  
 Nowe, Mary Lou  
 Packard, Sherman  
 Raynowska, Bernard  
 Stickney, Nancy  
 Weare, Everett  
 Zolla, William

Case, Margaret  
 DiFruscia, Anthony  
 Flanagan, Natalie  
 Gibbons, Paul  
 Henderson, Warren  
 Letourneau, Robert  
 Nowe, Ronald  
 Priestley, Anne  
 Reardon, Neil  
 Tufts, J Arthur  
 Welch, David

**STRAFFORD**

Cossette, Larry  
 Tsiros, William

Dunlap, Patricia  
 Wall, Janet

Knowles, William  
 Woods, Phyllis

Musler, George

**SULLIVAN**

Kibbey, David

**NAYS 176****BELKNAP**

Rice, Thomas

Rosen, Ralph

Wood, Jane

**CARROLL**

Babson, David, Jr

Dickinson, Howard

Philbrick, Donald

Sullivan, P Judith

**CHESHIRE**

Avery, Stephen  
 Lerandeau, Alfred  
 Meader, David  
 Richardson, Barbara

Batchelder, Robert  
 Lynch, Margaret  
 Mitchell, McKim  
 Riley, William

Burnham, Daniel  
 Lynott, Margaret  
 Pratt, Irene  
 Robertson, Timothy

DePecol, Benjamin  
 McGuirk, Paul  
 Pratt, John  
 Russell, Ronald

**COOS**

Glines, Sara  
 Rodrigue, Robert

Hawkinson, Marie

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan	Brothers, Richard	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	Hall, David	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	Johnson, Gary	Mirski, Paul	Nordgren, Sharon
Phinney, William	Scanlan, David	Solow, Martha	Ward, Brien

**HILLSBOROUGH**

Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin	Beaupre, Roland
Bergeron, Lucien	Bergin, Peter	Bruno, Pierre	Buckley, Raymond
Clemons, Jane	Cote, Peter	Craig, James	Dawe, Eileen
Desrosiers, William	Drabinowicz, A	Dwyer, Paul, Sr	Franks, Suzan
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Haettenschwiller, Alphonse
Hall, Betty	Herman, Richard	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lynde, Harold	Martin, Mary
McCarthy, William	McColgan, Philip, Jr	McDonald, James, Sr	McDonough-Wallace, Alice
McRae, Karen	Messier, Irene	Moriarty, Mary	Mosher, William
Murphy, Robert	O'Connell, Timothy	Reidy, Frank	Sarette, John
Turgeon, Roland	Vaillancourt, Steve	White, John	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha	Corbin, C David	Dearborn, Bruce
Hutchinson, Karen	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Lovejoy, Marian
McKinney, Betsy	Norelli, Terie	Pitts, Jacqueline	Putnam, Ed, II
Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stritch, C Donald	Vaughn, Charles		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Lent, Donald	Lundborn, Raymond
McKinley, Robert	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vincent, Francis

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Leone, Richard	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine	Young, David		

and reconsideration failed.

**REGULAR CALENDAR – PART I (CONT'D.)**

**HB 602-FN**, establishing the position of health insurance consumer assistant. **OUGHT TO PASS**  
Rep. Susan W. Almy for Finance: This bill as passed by the policy committee adds one health insurance consumer assistant to deal with insurance options and complaints. The person now han-



dling health insurance queries gets 14,000 calls a year, which are increasingly complex. He also handles life and accident insurance. The new commissioner has slashed her consultants' budget in order to pay for this new position, so there is no new fiscal impact. The Insurance Department costs are paid by fees charged to the insurance companies, not by the general fund. Vote 21-0.  
Adopted and ordered to third reading.

**HB 645-FN**, relative to telecommunications equipment assistance and the enhanced 911 system.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. McGillivray for Finance: The bill created a one cent per month per telephone line charge to pay for continuing a program which provides telecommunications equipment to lower-income persons, limited this program only to persons with hearing or speech disabilities, and expanded those eligible for the program to include partial assistance for persons whose income exceeds 200 per cent of federal poverty level guidelines. The bill also limited such expenditures to not more than \$96,000 per year, and made small changes to enhanced 911 statutes.

The committee amendment eliminates the increase in eligible persons, so that as under existing law, only those with income up to 200 per cent of poverty level qualify. The committee amendment also changes the funding source, continuing the current practice of using part of the funds raised for the telecommunications relay service trust fund by an 8 cent per month per telephone line charge. Vote 23-0.

### Amendment (1542h)

Amend the bill by replacing section 7 with the following:

7 Public Utilities; Telecommunications Equipment Assistance Program; Duties; Eligibility Criteria; Cost-Sharing Added. Amend RSA 362-E:3, I(b) to read as follows:

(b) Eligibility criteria, ~~[including] which shall include~~ ability to pay~~[, which]~~. *The telecommunications equipment assistance program shall [be based on] pay the full costs for persons whose income levels [which shall] do not exceed 200 percent of the federal poverty level guidelines published in the Federal Register, exclusive of disability-related expenses.*

Amend the bill by replacing section 9 with the following:

9 Public Utilities; Telecommunications Equipment Assistance Program; Funding. RSA 362-E:6 is repealed and reenacted to read as follows:

362-E:6 Funding. The telecommunications equipment assistance program shall be funded in an amount not to exceed \$96,000 annually from the telecommunications relay service trust fund established by the public utilities commission.

### AMENDED ANALYSIS

This bill

I. Changes the name of the telecommunications assistance program to the telecommunications equipment assistance program.

II. Provides funding for the telecommunications equipment assistance program from the telecommunications relay service trust fund.

III. Requires the telecommunications equipment assistance program to pay the costs for persons within current income criteria.

IV. Adds a representative of the disabled community to the enhanced 911 commission.

V. Specifies that a qualified person under the telecommunications equipment assistance program is a person with a hearing or speech disability.

VI. Requires telephone service providers to transfer emergency calls, including the caller's telephone number, to the public safety answering point.

Adopted.

Report adopted and ordered to third reading.

**HB 653-FN-A**, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marjorie K. Smith for Finance: For Medicaid recipients in nursing facilities, the resident's income, after certain deductions, goes to meet the cost of their care. Currently, one deduction allows the resident to retain \$40 per month to meet personal needs. If the resident does not have \$40 a month of their own income the balance is paid 50% by Medicaid (federal funds) and 25% each

by general and county funds. Based on the Attorney General's opinions and the record of the Constitutional Convention, this is not a 28-a issue. This amount has not increased since 1988. This bill, as amended, increases the allowance to \$50 per month. The increased cost to the general fund and the counties would be \$160,000 each. Vote 22-1.

#### **Amendment (0582h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** increasing the personal needs allowance of nursing home residents and residents of residential care facilities and community residences and making an appropriation therefor.

Amend the bill by replacing all after section 1 with the following:

2 Appropriation. The sum of \$160,000 is hereby appropriated for the fiscal year ending June 30, 2000 to the department of health and human services, for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1999.

#### **AMENDED ANALYSIS**

This bill increases the personal needs allowance of nursing home residents and residents of residential care facilities and community residences and makes an appropriation for that purpose.

Rep. Belvin yielded to questions.

Adopted.

Report adopted and ordered to third reading.

**SB 168**, adopting a model statute included in the tobacco litigation master settlement agreement. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra B. Keans for Judiciary: In the summer of 1998, the Attorneys General of the various states came to an agreement with the major tobacco companies. It is a settlement that comes under the purview of "states rights" and, therefore, must be approved by the individual states. SB 168 is model legislation with slight changes tailored to the State of New Hampshire. A major component of SB 168 is how those small companies who were not a party to the agreement but who choose to sell tobacco products provide for their share of the settlement based upon their volume of sales for the next 25 years. There must be an 80 percent approval of the model settlement by the states before the monies will flow to the individual states. In addition, New Hampshire's portion of the settlement is contingent upon the passage of SB 168. The amendment merely corrected a grammatical error requested by the Office of the Attorney General. Vote 9-4.

#### **Amendment (1411h)**

Amend RSA 541-C:2, IX(a)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) Manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer (as that term is defined in the Master Settlement Agreement) that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States);

Adopted.

Report adopted and ordered to third reading.

**SB 62-FN-A-L**, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: The Lake Umbagog Campground is the only campground on the lake, which is located in Cambridge, New Hampshire, 7 miles east of Errol, New Hampshire. The owners are retiring after twenty-four (24) years of operation. They wanted the campground to continue and felt the State Division of Parks and Recreation was the best organization for ownership. The purchase price for the campground (9.6 acres and 1030 feet of frontage) and all buildings and equipment is 600,000 dollars. This price was determined by a New Hampshire

appraisal company. The bill as amended by the Resources, Recreation, and Development Committee will require the Division of Parks and Recreation to pay the principle and interest on bonds issued by the state treasurer out of the state park fund. There will be no appropriation from the state general fund for this purchase. The campground has been very profitable for the owners and the Parks Division will be able to pay the bonds with profits from the operation of the campground. It is estimated by the Parks Division the payment will be 40,000 dollars a year, which is well within the profit margin of the campground. This campground will be one of the jewels in the state park system, it will set the tone for this wild and scenic lake, which has 4532 acres in New Hampshire and 3318 acres in Maine. The majority of the campers using this campground are residents of New Hampshire. Vote 19-0.

### **Amendment (1413h)**

Amend paragraph III as inserted by section I of the bill by replacing it with the following:

III. The purchased property will be managed by the department of resources and economic development, division of parks and recreation. Currently the sale of this property is being negotiated by the Trust for Public Lands and the owners of the property. The division of parks and recreation will operate this campground under agreement with the Trust for Public Lands until the sale is final.

Amend the bill by replacing section 4 with the following:

4 Bonds Authorized. To provide funds for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the state park fund.

Adopted.

Report adopted and referred to Finance.

**SB 70**, changing the safe drinking water standard for MTBE. **OUGHT TO PASS WITH AMENDMENT** Rep. Jeb E. Bradley for Science, Technology and Energy: As passed by the Senate, this legislation would establish, in statute, a primary drinking water standard for the gas additive methyl tertiary butyl ether (MTBE) of 5 parts per billion. The Senate also passed SB-71, which would ban use of the additive in New Hampshire's gas supply by 2003. While the committee appreciates the dedication and hard work of the Senate sponsors, the committee recommends the approach of this amendment and re-referral of SB 71, which is on the consent calendar. Use of MTBE in reformulated gasoline was designed to lessen air pollution, but when spilled or when storage tanks leak, MTBE readily enters groundwater.

The amendment instructs the Department of Environmental Services (DES) to immediately seek a waiver from the Environmental Protection Agency (EPA) so that non-reformulated gas, which contains far less MTBE, could be used on an interim basis until there is a regional or national alternative found to this problem. This is similar to the approach adopted by Maine. The amendment also instructs DES to develop a health-based primary drinking water standard, a secondary taste and odor standard, as well as a groundwater remediation standard. Drinking water standards have never been legislatively determined. The committee recommends that standards for MTBE be adopted based upon sound, technical and economic information and go through a thorough review process as DES has done when setting other standards.

Regarding the proposed MTBE ban, the committee is also sympathetic to the sponsor's intent. However, with the exception of California, individual states cannot set specific criteria for the content of gasoline. For better or worse, that is federal law. Banning MTBE in 2003 would only invite significant lawsuits and do little to solve the groundwater and drinking water contamination problem existing today. That is why Maine did not ban MTBE, but chose to seek an EPA waiver to use a different fuel containing far less MTBE. That is the approach of this amendment. If a waiver were received, that would be the most helpful method of eliminating the groundwater threat in the short run.

This amendment is very similar to HB 694-FN, which is currently being reviewed by the Finance Committee. The one key change is that this proposed amendment does not legislatively determine the groundwater remediation standard as is proposed in HB 694-FN. Adoption of this amendment should lessen the fiscal impact of MTBE remediation at this time. If DES recommends health-based drinking water standards or groundwater remediation standards as called for in this amendment, there would be a fiscal impact at that time. That future fiscal impact would be subject to the scrutiny that any proposed rule would have. If the House adopts this amendment to SB 70, the Science, Technology and Energy Committee would recommend that it supersede HB 694-FN. Vote 15-2.

**Amendment (1486h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to prevention of MTBE contamination of drinking water and groundwater.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Recommendations.

I. The general court finds that New Hampshire's participation in the federal reformulated gasoline program in Strafford, Merrimack, Hillsborough, and Rockingham counties, in order to comply with federal air pollution regulations, has had mixed results. The oxygenate methyl tertiary butyl ether (MTBE) is a major constituent of reformulated gasoline. Though MTBE's presence in gasoline has helped reduce harmful automobile tailpipe emissions and toxic constituents such as benzene, unintended contamination to the state's water resources has occurred. MTBE is extremely water-soluble and even the smallest spills of gasoline may allow MTBE to migrate into the groundwater. While MTBE is not classified as a known or probable carcinogen, initial research indicates that it may be found to be a carcinogen.

II. A recent preliminary study in Maine found detectable levels of MTBE in 15.8 percent of private wells and 16 percent of public water supplies. Levels of MTBE were below 5 parts per billion in 97 percent of Maine's tested private wells and 98.6 percent of Maine's tested public supplies. Due to similar soil and bedrock characteristics in New Hampshire, it is reasonable to assume that New Hampshire would find similar contamination levels in its water supplies if testing were done. Maine has adopted a 35 part per billion health standard.

III. The general court finds that alternatives to using MTBE in gasoline may have undesirable environmental effects, that restricting MTBE in gasoline may cause significant gasoline supply disruptions and price increases, and that regulation by the state of MTBE levels in gasoline may not be legal under federal law. The general court finds that the only realistic, near term means of lowering MTBE levels in gasoline, while avoiding supply disruptions and price increases, is reverting to the use of conventional gasoline as is currently allowed in the six New Hampshire counties that have demonstrated attainment of federal air quality standards. An Environmental Protection Agency waiver is necessary to use conventional rather than reformulated gasoline in Strafford, Merrimack, Hillsborough, and Rockingham counties.

IV. The general court finds that, based on available information, there is not an imminent threat to public health due to MTBE contamination. However, the general court believes that there is a sufficient threat of groundwater contamination to warrant preventive action in order to protect drinking water supplies and prevent costly remediation of MTBE contaminated groundwater.

V. Therefore, the general court recommends that:

(a) The department of environmental services and the department of health and human services continue to monitor New Hampshire's public and private drinking water supplies.

(b) Both departments continue to study MTBE alternatives.

(c) The department of environmental services in consultation with the department of health and human services adopt primary and secondary drinking water standards and ambient groundwater quality standards designed to protect the public health.

(d) The commissioner of the department of environmental services seek all necessary waivers from the Environmental Protection Agency such that conventional gasoline (or some other substitute gasoline that is readily available and reasonably priced) may immediately replace reformulated gasoline in Strafford, Rockingham, Hillsborough, and Merrimack counties until January 1, 2002. As such waivers would be temporary, they shall not be predicated upon the state implementing substitute air emissions reduction strategies in order to comply with the state implementation plan.

(e) The commissioner of the department of environmental services be given the authority to require lower MTBE concentrations in gasoline upon determining that readily available and reasonably priced substitute gasoline supplies exist, that alternative gasoline formulations are less hazardous to humans and the environment, and that such gasoline alternatives are approved for use in New Hampshire by the Environmental Protection Agency.

(f) The commissioner of the department of environmental services explore all mitigation alternatives, including but not limited to, the commissioner's authority to enforce the New Hampshire safe drinking water act under RSA 485.

2 New Subdivision; Methyl Tertiary Butyl Ether (MTBE). Amend RSA 485 by inserting after section 16 the following new subdivision:

**Methyl Tertiary Butyl Ether (MTBE)****485:16-a Drinking Water Standards and Notification.**

I. The commissioner, in consultation with the commissioner of health and human services, shall adopt primary and secondary drinking water standards pursuant to RSA 485:3, and ambient groundwater quality standards pursuant to RSA 485-C:6, applicable to MTBE. The commissioner shall not commence rulemaking for these standards until after the department has reviewed the scientific record on the risks posed by the presence of MTBE in drinking water supplies. Such review shall be completed at the earliest possible date, but no later than June 30, 2000.

II. Any public water system delivering water with greater than 5 parts per billion of MTBE shall notify each customer of the MTBE content.

**485:16-b Authority to Limit MTBE in Gasoline; Penalties.**

I. The commissioner, after consultation with the commissioner of health and human services, may limit, with the approval of the governor and council, the concentration of MTBE allowed in any gasoline sold in all or part of the state after first holding a public hearing on the issue and certifying to the air pollution advisory committee established in RSA 125-J:11 that gasolines which meet such limit are:

(a) Readily available to New Hampshire consumers at a reasonable price;

(b) Less hazardous overall to humans and the environment than gasoline having higher MTBE concentrations taking into account all exposure routes, including air and water; and

(c) Approved for use in New Hampshire by the Environmental Protection Agency without a requirement to substitute additional air emissions reductions.

II. Nothing in this section shall prohibit the commissioner from phasing in any limitations approved under paragraph I.

III. Retail sellers of gasoline and the suppliers to such retail sellers shall comply with the provisions of paragraph I or be subject to the enforcement provisions of RSA 485:58.

IV. The limitations on MTBE concentrations established under the provisions of this section shall be exempt from the requirements of RSA 541-A, the administrative procedure act. The department shall file, however, in the office of legislative services a copy of all rules adopted, amended, or repealed under this section by the department.

3 New Subparagraph; Proceedings in Special Cases; Administrative Procedure Act; Exceptions; Limits on Methyl Tertiary Butyl Ether. Amend RSA 541-A:21, I by inserting after subparagraph (u) the following new subparagraph:

(v) RSA 485:16-b, I relative to limits on the concentration of methyl tertiary butyl ether in gasoline.

4 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill:

I. Requires that the commissioner of environmental services adopt primary and secondary drinking water and ambient groundwater quality standards applicable to MTBE.

II. Authorizes the commissioner to limit the concentration of MTBE allowed in gasoline.

III. Requires that public water systems delivering water with a certain concentration of MTBE notify each customer of the MTBE content.

Adopted.

Report adopted and ordered to third reading.

**SPECIAL ORDER**

**HCR 10**, requesting Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers. RE-REFER TO COMMITTEE

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: Testimony presented to the committee created more questions than answers. HCR 10 needs more time to properly look at the Social Security questions. The Committee will meet as required during the interval between sessions. Vote 13-3.

Reps. Garrish and Burling spoke against.

Rep. Dean Ouellette spoke in favor.

Rep. Jacobson requested a quorum count. The Speaker declared a quorum present.

Rep. Jacobson spoke against.

Rep. Wendelboe spoke in favor and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 158 NAYS 168

### YEAS 158

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Lawton, David	Rice, Thomas	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	

#### CARROLL

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Sullivan, P Judith	Torressen, Gary		

#### CHESHIRE

Avery, Stephen	Hunt, John	Roberts, William	Royce, H Charles
Smith, Edwin			

#### COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

#### GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	Marshall, Gene	Mirski, Paul
Phinney, William	Picconi, Al	Scanlan, David	Ward, Brien
Weber, Phil			

#### HILLSBOROUGH

Andrews, Frederick	Beaupre, Roland	Belvin, William	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Durham, Susan	Emerton, Lawrence	Fenton, James	Fields, Dennis
Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Jean, Loren	Kurk, Neal	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McDonald, James, Sr	McGough, Tim	McRae, Karen
Moran, Edward	Mosher, William	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Reeves, Sandra	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Wall, Nancy	White, Donald	Withee, Dennis

#### MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Hager, Elizabeth
Hess, David	Larrabee, David, Sr	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Whalley, Michael

#### ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Case, Margaret	Clark, Vivian
Cooney, Richard	Corbin, C David	Cox, Russell	Dearborn, Bruce
Dolan, Richard	Dowling, Patricia	Fesh, Robert	Flanders, David
Francoeur, Sheila	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane

Letourneau, Robert  
Nowe, Mary Lou  
Priestley, Anne  
Reardon, Neil  
Tufts, J Arthur  
Welch, David

Major, Norman  
Nowe, Ronald  
Putnam, Ed, II  
Rubin, George  
Varrell, Thomas  
Weyler, Kenneth

McKinney, Betsy  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Verani, Giovanni  
Whittier, John

Morse, Charles  
Packard, Sherman  
Rabideau, Marie  
Stickney, Nancy  
Weare, Everett  
Zolla, William

### STRAFFORD

Cossette, Larry  
Spear, Barbara

Kaen, Naida  
Torr, Franklin

McKinley, Robert  
Woods, Phyllis

Musler, George

### SULLIVAN

Young, David

### NAYS 168

### BELKNAP

Millham, Alida

Wood, Jane

### CARROLL

Dickinson, Howard

MacDonald, Kenneth

Philbrick, Donald

### CHESHIRE

Batchelder, Robert  
Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Rose, William

Blaisdell, Michael  
Lerandeau, Alfred  
Meader, David  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Riley, William  
Zerba, Roger

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

### COOS

Glines, Sara  
Rodrigue, Robert

Hawkinson, Marie

Landers, Dana

Mears, Edgar

### GRAFTON

Almy, Susan  
Ham, Bonnie  
Solow, Martha

Copenhaver, Marion  
Johnson, Gary

Densmore, Jessica  
LaMott, Paul

Guest, Robert  
Nordgren, Sharon

### HILLSBOROUGH

Ahern, Richard  
Batula, Peter  
Buckley, Raymond  
Desrosiers, William  
Foster, Linda  
Goley, Jeffrey  
Jean, Claudette  
L'Heureux, Robert  
Leonard, Peter  
McColgan, Philip, Jr  
Murphy, Robert  
Sarette, John  
White, John

Arnold, Thomas, Jr  
Bergeron, Lucien  
Clemons, Jane  
Drabinowicz, A  
Franks, Suzan  
Haettenschwiller, Alphonse  
Johnson, Lionel  
LaPorte, George  
Lynde, Harold  
McDonough-Wallace, Alice  
O'Connell, Timothy  
Simon, Anthony

Arthur, Rose  
Brundige, Robert  
Cote, David  
Dwyer, Paul, Sr  
Garrish, Linda  
Hall, Betty  
Keye, Harvey  
Lasky, Bette  
Martin, Mary  
Messier, Irene  
Peterson, Andrew  
Turgeon, Roland

Baroody, Benjamin  
Bruno, Pierre  
Cote, Peter  
Ford, Nancy  
Ginsburg, Ruth  
Herman, Richard  
Konys, Christine  
Lefebvre, Roland  
McCarthy, William  
Moriarty, Mary  
Reidy, Frank  
Vaillancourt, Steve

### MERRIMACK

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Moore, Carol

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Nichols, Avis

Crosby, Toni  
Fortnam, Janet  
Jacobson, Alf  
Owen, Derek

Daneault, Gabriel  
Fraser, Marilyn  
Langer, Ray  
Potter, Frances

Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Rodd, Beth  
Wallin, Jean

Seldin, Gloria  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
DiFruscia, Anthony  
Hutchinson, Rebecca  
Kobel, Rudolph  
Pitts, Jacqueline  
Shultis, Elizabeth

Belanger, Ronald  
Flanders, John, Sr  
Johnson, Robert  
Langone, John  
Raynowska, Bernard  
Splaine, James

Blanchard, MaryAnn  
Gibbons, Paul  
Kane, Cecelia  
Lovejoy, Marian  
Sapareto, Frank  
Stritch, C Donald

Clark, Martha  
Gleason, John  
Kelley, Jane  
Norelli, Terie  
Shelton, Richard  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Twardus, Joseph

Brennan, William  
Estabrook, Iris  
Knowles, William  
Pelletier, Marsha  
Spang, Judith  
Vincent, Francis

Callaghan, Frank  
Gilmore, Gary  
Lent, Donald  
Rogers, Rose Marie  
Taylor, Kathleen  
Wall, Janet

DeChane, Marlene  
Johnson, Nancy  
Lundborn, Raymond  
Rollo, Michael  
Tsiros, William

### SULLIVAN

Allison, David  
Leone, Richard

Burling, Peter  
Phinizia, James

Cloutier, John  
Tuthill, John

Donovan, Thomas, Jr  
Wiggins, Celestine

and the report failed.

Rep. Burling moved Ought to Pass.

Rep. Burling yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

### YEAS 196 NAYS 131

### YEAS 196

### BELKNAP

Millham, Alida

Pilliod, James

Rosen, Ralph

Wood, Jane

### CARROLL

Bradley, Jeb

Philbrick, Donald

Sullivan, P Judith

### CHESHIRE

Batchelder, Robert  
Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Rose, William

Blaisdell, Michael  
Lerandeau, Alfred  
Meador, David  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Riley, William  
Zerba, Roger

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

### COOS

Davis, Perley  
Mears, Edgar

Glines, Sara  
Rodrigue, Robert

Hawkinson, Marie  
Woodward, David

Landers, Dana

### GRAFTON

Almy, Susan  
Dudley, Terri  
LaMott, Paul  
Solow, Martha

Brothers, Richard  
Guest, Robert  
Nordgren, Sharon

Copenhaver, Marion  
Ham, Bonnie  
Phinney, William

Densmore, Jessica  
Johnson, Gary  
Picconi, Al

### HILLSBOROUGH

Ahern, Richard  
Batula, Peter

Arnold, Thomas, Jr  
Bergeron, Lucien

Arthur, Rose  
Brundige, Robert

Baroody, Benjamin  
Bruno, Pierre



Buckley, Raymond  
Desrosiers, William  
Foster, Linda  
Goley, Jeffrey  
Jean, Claudette  
L'Heureux, Robert  
Leonard, Peter  
McColgan, Philip, Jr  
Mosher, William  
Reidy, Frank  
Vaillancourt, Steve

Clemons, Jane  
Drabinowicz, A  
Franks, Suzan  
Haettenschwiller, Alphonse  
Johnson, Lionel  
LaPorte, George  
Lynde, Harold  
McDonough-Wallace, Alice  
Murphy, Robert  
Sarette, John  
White, John

Cote, David  
Dwyer, Paul, Sr  
Garrish, Linda  
Hall, Betty  
Keye, Harvey  
Lasky, Bette  
Martin, Mary  
Messier, Irene  
O'Connell, Timothy  
Simon, Anthony  
Withee, Dennis

Cote, Peter  
Ford, Nancy  
Ginsburg, Ruth  
Herman, Richard  
Konys, Christine  
Leishman, Peter  
McCarthy, William  
Moriarty, Mary  
Peterson, Andrew  
Turgeon, Roland

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Nichols, Avis  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Langer, Ray  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Crosby, Toni  
Fortnam, Janet  
Hess, David  
Moore, Carol  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Clark, Martha  
Francoeur, Sheila  
Hutchinson, Karen  
Kelley, Jane  
Lovejoy, Marian  
Quandt, Marshall  
Shelton, Richard  
Varrell, Thomas

Belanger, Ronald  
Cooney, Richard  
Gibbons, Paul  
Hutchinson, Rebecca  
Kobel, Rudolph  
Norelli, Terie  
Raynowska, Bernard  
Shultis, Elizabeth  
Vaughn, Charles

Blanchard, MaryAnn  
DiFruscia, Anthony  
Gleason, John  
Johnson, Robert  
Langone, John  
O'Neil, Michael  
Ruffner, Walter  
Splaine, James  
Whittier, John

Case, Margaret  
Flanders, John, Sr  
Griffin, Mary  
Kane, Cecelia  
Letourneau, Robert  
Pitts, Jacqueline  
Sapareto, Frank  
Stritch, C Donald  
Zolla, William

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Tsiros, William  
Woods, Phyllis

Brennan, William  
Estabrook, Iris  
Knowles, William  
Pelletier, Marsha  
Spang, Judith  
Twardus, Joseph

Callaghan, Frank  
Gilmore, Gary  
Lent, Donald  
Rogers, Rose Marie  
Taylor, Kathleen  
Vincent, Francis

DeChane, Marlene  
Johnson, Nancy  
Lundborn, Raymond  
Rollo, Michael  
Torr, Franklin  
Wall, Janet

### SULLIVAN

Allison, David  
Leone, Richard  
Young, David

Burling, Peter  
Phinizy, James

Cloutier, John  
Tuthill, John

Donovan, Thomas, Jr  
Wiggins, Celestine

### NAYS 131

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Turner, Robert

Boriso, Thomas  
Lawton, David  
Wendelboe, Francine

Boyce, Robert  
Rice, Thomas

Czech, Stanley  
Thomas, John

### CARROLL

Babson, David, Jr  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Torresen, Gary

Dickinson, Howard  
MacDonald, Kenneth

Howard, Godfrey  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Smith, Edwin

Hunt, John

Roberts, William

Royce, H Charles

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Gilman, G Michael  
Marshall, Gene  
Weber, Phil

Alger, John  
Hall, David  
Mirski, Paul

Cobb, John  
Harmon, Hobart  
Scanlan, David

Eaton, Stephanie  
Hinman, Harry  
Ward, Brien

**HILLSBOROUGH**

Andrews, Frederick  
Carlson, Donald  
Coughlin, Pamela  
Durham, Susan  
Gagnon, Eugene  
Holley, Sylvia  
Lessard, Rudy  
McCarty, Winston  
Moran, Edward  
Reeves, Sandra  
Wall, Nancy

Beaupre, Roland  
Chabot, Robert  
Dalianis, Griffin  
Emerton, Lawrence  
Goulet, Maurice  
Jean, Loren  
Lozeau, Donnalee  
McDonald, James, Sr  
O'Hearn, Jane  
Sargent, Maxwell  
White, Donald

Belvin, William  
Christiansen, Lars  
Daniels, Gary  
Fenton, James  
Hansen, Herbert  
Kurk, Neal  
MacGillivray, Jeffrey  
McGough, Tim  
Ouellette, Dean  
Tate, Joan

Calawa, Leon, Jr  
Clegg, Robert, Jr  
Dawe, Eileen  
Fields, Dennis  
Herman, Keith  
Lefebvre, Roland  
Martel, Andre  
McRae, Karen  
Pappas, Marc  
Thulander, O Alan

**MERRIMACK**

Asplund, Bronwyn  
Leber, William  
Whalley, Michael

Brewster, Richard  
Marple, Richard

Hager, Elizabeth  
Marshall, Kenneth

Larrabee, David, Sr  
Maxfield, Roy

**ROCKINGHAM**

Arndt, Janet  
Cox, Russell  
Fesh, Robert  
Katsakiores, George  
McKinney, Betsy  
Packard, Sherman  
Reardon, Neil  
Verani, Giovanni

Beaulieu, Jon  
Dearborn, Bruce  
Flanders, David  
Katsakiores, Phyllis  
Morse, Charles  
Priestley, Anne  
Rubin, George  
Weare, Everett

Clark, Vivian  
Dolan, Richard  
Hamel, Albert  
Langley, Jane  
Nowe, Mary Lou  
Putnam, Ed, II  
Stickney, Nancy  
Welch, David

Corbin, C David  
Dowling, Patricia  
Henderson, Warren  
Major, Norman  
Nowe, Ronald  
Rabideau, Marie  
Tufts, J Arthur  
Weyler, Kenneth

**STRAFFORD**

Cossette, Larry  
Spear, Barbara

Kaen, Naida

McKinley, Robert

Musler, George

**SULLIVAN**

None

and Ought to Pass was adopted.

**MOTION TO LAY ON THE TABLE**

Rep. Rubin moved that **HCR 10**, requesting Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers, be laid on the table. Rep. Buckley requested a roll call; sufficiently seconded.

**YEAS 116 NAYS 211****YEAS 116****BELKNAP**

Bartlett, Gordon  
Lawton, David  
Turner, Robert

Boyce, Robert  
Rice, Thomas  
Wendelboe, Francine

Czech, Stanley  
Rosen, Ralph

Holbrook, Robert  
Thomas, John

**CARROLL**

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Sullivan, P Judith

Lyman, L Randy  
Torresen, Gary

Mock, Henry

**CHESHIRE**

Hunt, John

Roberts, William

Royce, H Charles

Smith, Edwin

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Gilman, G Michael  
Marshall, Gene

Alger, John  
Hall, David  
Mirski, Paul

Cobb, John  
Harmon, Hobart  
Ward, Brien

Eaton, Stephanie  
Hinman, Harry  
Weber, Phil

**HILLSBOROUGH**

Andrews, Frederick  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Emerton, Lawrence  
Goulet, Maurice  
Kurk, Neal  
McCarty, Winston  
Moran, Edward  
Sargent, Maxwell  
White, Donald

Batula, Peter  
Carlson, Donald  
Coughlin, Pamela  
Fenton, James  
Hansen, Herbert  
Lefebvre, Roland  
McDonald, James, Sr  
Ouellette, Dean  
Tate, Joan

Beaupre, Roland  
Chabot, Robert  
Dalianis, Griffin  
Fields, Dennis  
Holley, Sylvia  
Lessard, Rudy  
McGough, Tim  
Pappas, Marc  
Thulander, O Alan

Belvin, William  
Christiansen, Lars  
Daniels, Gary  
Gagnon, Eugene  
Jean, Loren  
Martel, Andre  
McRae, Karen  
Reeves, Sandra  
Wall, Nancy

**MERRIMACK**

Asplund, Bronwyn  
Leber, William

Brewster, Richard  
Marple, Richard

Langer, Ray  
Nichols, Avis

Larrabee, David, Sr  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Cox, Russell  
Flanders, David  
Katsakiores, Phyllis  
McKinney, Betsy  
Putnam, Ed, II  
Stickney, Nancy  
Weare, Everett

Beaulieu, Jon  
Dearborn, Bruce  
Griffin, Mary  
Langley, Jane  
Morse, Charles  
Rabideau, Marie  
Stritch, C Donald  
Welch, David

Clark, Vivian  
Dolan, Richard  
Hamel, Albert  
Letourneau, Robert  
Packard, Sherman  
Reardon, Neil  
Varrell, Thomas  
Weyler, Kenneth

Corbin, C David  
Fesh, Robert  
Katsakiores, George  
Major, Norman  
Priestley, Anne  
Rubin, George  
Verani, Giovanni

**STRAFFORD**

McKinley, Robert

Woods, Phyllis

**SULLIVAN**

None

**NAYS 211****BELKNAP**

Boriso, Thomas	Millham, Alida	Pilliod, James	Wood, Jane
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**CARROLL**

Babson, David, Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
MacDonald, Kenneth	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Rose, William	Russell, Ronald	Zerba, Roger

**COOS**

Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert	Woodward, David	

**GRAFTON**

Almy, Susan	Brothers, Richard	Copenhaver, Marion	Densmore, Jessica
Dudley, Terri	Guest, Robert	Ham, Bonnie	Johnson, Gary
LaMott, Paul	Nordgren, Sharon	Phinney, William	Picconi, Al
Scanlan, David	Solow, Martha		

**HILLSBOROUGH**

Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Clemons, Jane	Cote, David	Cote, Peter	Dawe, Eileen
Desrosiers, William	Drabinowicz, A	Durham, Susan	Dwyer, Paul, Sr
Ford, Nancy	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Haettenschwiller, Alphonse	Hall, Betty
Herman, Keith	Herman, Richard	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	L'Heureux, Robert	LaPorte, George
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	Martin, Mary	McCarthy, William
McColgan, Philip, Jr	McDonough-Wallace, Alice	Messier, Irene	Moriarty, Mary
Mosher, William	Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane
Peterson, Andrew	Reidy, Frank	Sarette, John	Simon, Anthony
Turgeon, Roland	Vaillancourt, Steve	White, John	Withee, Dennis

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Jacobson, Alf	Kennedy, Richard	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Case, Margaret
Clark, Martha	Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia
Flanders, John, Sr	Francœur, Sheila	Gibbons, Paul	Gleason, John
Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Langone, John

Lovejoy, Marian  
O'Neil, Michael  
Ruffner, Walter  
Splaine, James  
Zolla, William

Norelli, Terie  
Pitts, Jacqueline  
Sapareto, Frank  
Tufts, J Arthur

Nowe, Mary Lou  
Quandt, Marshall  
Shelton, Richard  
Vaughn, Charles

Nowe, Ronald  
Raynowska, Bernard  
Shultis, Elizabeth  
Whittier, John

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Johnson, Nancy  
Lent, Donald  
Pelletier, Marsha  
Spang, Judith  
Tsiros, William

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Lundborn, Raymond  
Rogers, Rose Marie  
Spear, Barbara  
Twardus, Joseph

Callaghan, Frank  
Estabrook, Iris  
Keans, Sandra  
Musler, George  
Rollo, Michael  
Taylor, Kathleen  
Vincent, Francis

Cossette, Larry  
Gilmore, Gary  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

### SULLIVAN

Allison, David  
Leone, Richard

Burling, Peter  
Phinizz, James

Cloutier, John  
Tuthill, John

Donovan, Thomas, Jr  
Wiggins, Celestine

and the motion failed.

Report adopted and ordered to third reading.

### REGULAR CALENDAR – PART I (CONT'D.)

**SB 74**, relative to the rulemaking authority of the real estate commission concerning practices relating to certain dwellings. **OUGHT TO PASS**

Rep. Dave G. Poulin for Executive Departments and Administration: The majority believes that this bill will enable the New Hampshire Real Estate Commission to differentiate between the procedures and rules of disclosure for the sale of significantly different types of properties. Some examples of types of properties that may require different disclosures are land, residential dwellings (up to four families), apartment complexes (five or more families), and commercial properties. The committee has been assured by the New Hampshire Real Estate Commission and the New Hampshire Association of Realtors that this bill will not lead to prohibiting the sale of any of these types of properties by any duly licensed sales associate or broker in the State of New Hampshire. Although some real estate salespersons may choose to specialize in specific types of property, they will not be required to do so. Vote 13-1.

Adopted and ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

**SB 173-FN**, relative to optional allowances for beneficiaries of New Hampshire retirement system members. **OUGHT TO PASS**

Rep. Ray F. Langer for Executive Departments and Administration: This bill revises the wording of RSA 100-A:13 I and II to read "spouse and/or children," removes the statement "to be divided equally among children" and allows the converted payment of the retiree's allowance after remarriage of the spouse to be paid without having the retiree having to give notice of the termination of an elected option upon issuance of a divorce decree to subsequent remarriage "within 90 days of the remarriage of the former spouse." Vote 16-0.

Adopted and ordered to third reading.

Reps. DeChane and Mirski declared conflicts of interest and did not participate.

**SB 182-FN**, relative to eligibility for ordinary death benefits under the New Hampshire retirement system. **OUGHT TO PASS**

Rep. Ray F. Langer for Executive Departments and Administration: This bill changes the eligibility for an ordinary death benefit from "service retirement" to "10 years of creditable service". The ordinary death benefit payable to the spouse is 50 percent of the member's benefit accrued at death. If the member did not have 10 years of creditable service and was not eligible for service retirement, the spouse or other person nominated would receive \$3,600 or the deceased member's earnable compensation. If the member had at least 10 years service, but is not survived by a spouse, these amounts shall be paid to a designated beneficiary or to the estate. Vote 16-0.

Adopted and referred to Finance.

Rep. Mirski declared a conflict of interest and did not participate.

**SB 217-FN**, relative to real estate brokers of other jurisdictions doing business in this state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill establishes a new section to RSA 331-A, Real Estate Practice Act, concerning practice by brokers of other jurisdictions. A broker licensed in another jurisdiction shall enter into a cooperative brokerage agreement with a broker licensed under this chapter. The amendment proposed by the committee specifies that the commission shall adopt rules under RSA 541-A concerning the cooperative brokerage agreement. Vote 16-0.

**Amendment (1540h)**

Amend RSA 331-A:22-a as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. The commission shall adopt rules pursuant to RSA 541-A relative to cooperative brokerage agreements under this section. Such rules shall include:

- (a) The form and content of a cooperative brokerage agreement.
- (b) The length of time an agreement may be effective.
- (c) The procedure for extension or early termination of an agreement
- (d) Any fees which may be associated with a cooperative brokerage agreement.
- (e) The penalty, in addition to any other penalty under this chapter, for violation of the rules concerning cooperative brokerage agreements, and the procedure to appeal the commission's ruling.
- (f) Any other matter necessary for the implementation and administration of this section.

Adopted.

Report adopted and ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

**COMMITTEE REPORTS****CONSENT CALENDAR – PART II**

Rep. Chandler moved that the Consent Calendar, Part II, with the relevant amendments as printed in the day's House Record be adopted.

**HCR 13**, urging the selection of a final design for the New Hampshire commemorative quarter which includes the state motto "live free or die.", removed by Rep. Eugene Gagnon.

Consent Calendar adopted.

**SB 140**, relative to ear and body piercing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janeen Dalrymple for Health, Human Services and Elderly Affairs: SB 140 as introduced intended to insure use of a disposable, single-use needle for the purpose of body and ear piercing. Current law permits jewelry stores to utilize reusable devices in the process of piercing ears and body parts. These devices are operated by individuals unlicensed in their use. In most cases, the earrings are sterile, but the gripping device is not and most often comes in direct contact with the skin at the site of piercing. Some of the devices used have components that are simply wiped with alcohol, not sterilized and then reused on another client. Single-use piercing devices are readily available at a cost of about \$10.00. Gripping or ear stabilizing tools must also be single use or capable of being sterilized, to prevent exposure to infected blood. Unfortunately, these devices can only be used on ears and will not accommodate other body parts for the purpose of body piercing. The subcommittee felt strongly that SB 140, as amended, would address the immediate need to protect individuals seeking ear piercing at unlicensed places, who currently perform ear piercing. Future legislation is necessary to establish comprehensive guidelines for body piercing practices. Vote 13-2.

**Amendment (1314h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to ear piercing.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Ear Piercing. Amend RSA by inserting after chapter 141-H the following new chapter:

## CHAPTER 141-I EAR PIERCING

141-I:1 Ear Piercing. Persons engaged in the practice of piercing the ears of the human body shall use disposable single-use needles for such purpose. Any person violating the provisions of this chapter shall be guilty of a violation.

2 Effective Date. This act shall take effect January 1, 2000.

### AMENDED ANALYSIS

This bill requires persons engaged in piercing the ears of the human body to use disposable single-use needles.

**SB 156**, granting the commissioner of transportation authority to layout and approve the construction of a restricted use driveway onto a public highway in Canterbury and creating a legislative study committee to consider options for addressing the development of major projects which have statewide or significant regional impacts, such as the New Hampshire International Speedway. **INEXPEDIENT TO LEGISLATE**

Rep. John P. Gleason for Public Works and Highways: The New Hampshire International Speedway has applied for and has been granted a driveway permit from the town of Canterbury. The urgency for this legislation has been diminished as a result of this granting. After hearing from the Chair of the Canterbury Planning Board and the NHIS, the committee felt that the situation is better handled by each party directly, which makes this bill unnecessary. By virtue of action taken by the NHIS to construct a north access road from Route 106 into their parking lots, and sanctioned by local planning board(s), will help mitigate traffic congestion during racing events. Vote 16-0.

**SB 178-FN-A**, relative to appropriations to the port authority for dredging projects. **RE-REFER TO COMMITTEE**

Rep. William E. Leber for Public Works and Highways: This bill would change language on a 1991 appropriation for expansion of the Port of Portsmouth, and construction of a 750 foot pier to add "dredging projects including associated mitigation to maintain channels and harbors." The initial intent was to permit a portion of the previous appropriation for a project for eel grass mitigation in Little Harbor. This mitigation is required to permit the Corps of Engineers (COE) to dredge the harbor. Recent information received from the Port Authority indicates that the eel grass mitigation would be completed by COE at federal expense. The other portion of the bill would permit expenditure of up to \$1 million for dredging projects needed on the seacoast. Both of these issues have merit and should be studied further. If some issues can be resolved, this bill could be brought to the House in January of 2000, and still have time to address the original intent, if it is needed. Vote 14-0.

**SB 207**, relative to authorizing bonds for the construction and renovation of regional vocational education centers. **RE-REFER TO COMMITTEE**

Rep. William E. Leber for Public Works and Highways: This bill is very similar to HB 413, which was Re-referred earlier this year. Both bills include authorizing bonds for construction and renovation of regional vocational education centers. This bill would commit up to \$10 million of state funding per biennium. Since there are slight differences in the bills, the committee decided to Re-refer this bill to be studied this summer along with HB 413. Vote 17-0.

**HJR 10**, requiring that the United States Marine Corps flag be flown over the state house every November 10 to honor the birth of the Corps. **OUGHT TO PASS**

Rep. Griffin T. Dalianis for State-Federal Relations and Veterans Affairs: The State of New Hampshire annually honors its citizens who have served in the United States Marine Corps by flying the Corps flag over the NH State Capitol on every November 10<sup>th</sup>. This will put into NH Statutes that this will be a law. The United States Marine Corps was founded on November 10, 1775 at Tun's Tavern in Philadelphia and this year it will celebrate its 224<sup>th</sup> birthday. Semper Fidelis! Vote 14-0.

**REGULAR CALENDAR - PART II****MOTION TO SPECIAL ORDER**

Rep. Franks moved that **HB 703-FN-A-L**, establishing a regional youth center pilot program in the city of Nashua and making an appropriation therefor, be made a Special Order for the next session day in the regular calendar order and spoke in favor.

Rep. Lozeau spoke in favor.

Adopted.

**REGULAR CALENDAR - PART II (CONT'D.)**

**SB 220-FN**, relative to the disclosure of child abuse and neglect information. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Children and Family Law: This bill enables the Department of Health and Human Services to respond to the changes in the Federal Child Abuse Prevention and Treatment Act that are designed to improve the public accountability of the department in those few cases where there has been a fatality or near fatality resulting from neglect or abuse. The amendment permits the commissioner, upon request, to disclose certain specified information about such cases only if it is determined that the disclosure is not contrary to the best interest of the child, the child's siblings or other children in the household. Vote 17-0.

**Amendment (1584h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court finds that deaths or serious injury to children due to abuse or neglect, despite the involvement of government agencies charged with responsibility to protect children, is unacceptable. The general court further finds that public accountability in such cases will help prevent fatalities and near fatalities. To foster public accountability the general court authorizes the commissioner of health and human services, upon request, to publicly disclose certain case-specific information in those few cases in which there has been a fatality or near fatality resulting from abuse or neglect of a child. The general court finds that the above purpose is consistent with the provisions of the Child Abuse Prevention and Treatment Act as amended in 1996, Public Law 104-235.

2 New Paragraph: Disclosure of Child Abuse and Neglect Information. Amend RSA 126-A:5 by inserting after paragraph XI the following new paragraph:

XII.(a) Notwithstanding any other provision of law to the contrary, the commissioner may, upon request, publicly disclose certain case specific information regarding the abuse or neglect of a child as set forth in this paragraph, and the investigation of such abuse or neglect and any services related thereto, if it is determined that such disclosure shall not be contrary to the best interests of the child, the child's siblings or other children in the household and there has been a fatality or near fatality resulting from abuse or neglect of a child. In determining whether disclosure will be contrary to the best interests of the child, the child's siblings, or other children in the household, the commissioner shall consider the privacy interests of the child and the child's family and the effects which disclosure may have on efforts to reunite and provide services for the family. In evaluating the request for disclosure, the commissioner shall consider the source of the request, and whether the disclosure will promote public accountability of the department. As used in this section, "near fatality" means an act or event that places a child in serious or critical condition as certified by a physician.

(b) Information may be disclosed as follows:

(1) Information released prior to the completion of the investigation of a report shall be limited to a statement that a report is "under investigation."

(2) When there has been a prior disclosure pursuant to subparagraph (b)(1) of this paragraph, information released in a case in which the report has been unfounded shall be limited to the statement that "the investigation has been completed, and the report has been determined unfounded."

(3) If the report has been founded, then information may be released pursuant to subparagraph (c) of this section.

(c) For the purposes of this paragraph, the following information may be disclosed:

(1) The name of the abused or neglected child, provided that the name shall not be disclosed in a case of a near fatality unless the name has otherwise previously been disclosed.



(2) The name of the parent or other person legally responsible for the child.

(3) The fact that the department's investigation resulted in a finding of either abuse or neglect and the basis for the finding.

(4) Identification of services and actions taken, if any, by the department regarding the child named in the report and his or her family as a result of any such report or reports.

(5) Any extraordinary or pertinent information concerning the circumstances of the abuse or maltreatment of the child and the investigation of such abuse or maltreatment, where the commissioner determines such disclosure is consistent with the public interest.

(d) Any disclosure of information pursuant to this paragraph shall be consistent with the provisions of subparagraph (c). Such disclosure shall not identify or provide an identifying description of the source of the report, and shall not identify the name of the abused or neglected child's siblings, or any other members of the child's household, other than the subject of the report.

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**HCR 8**, urging nonimplementation of the articles of the Kyoto Protocol on global climate change. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eugene L. Gagnon for State-Federal Relations and Veterans Affairs: This resolution, as amended, simply supports and concurs with US Senate Resolution 98 where, by a vote of 95-0, the Senate rejected the provisions of the Kyoto Protocol. The amendment was a compromise agreed upon by the sponsor and the Department of Environmental Services. Vote 10-4.

#### **Amendment (1464h)**

Amend the title of the bill by replacing it with the following:

**A RESOLUTION** urging improvements to the Kyoto Protocol prior to its implementation.

Amend the bill by replacing all after the enacting clause with the following:

Whereas, the United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (FCCC); and

Whereas, a protocol to implement the goals of the FCCC was negotiated in December 1997 in Kyoto, Japan (Kyoto Protocol), which, if ratified, would require the developed nations of the world, including the United States, to significantly reduce their emissions of greenhouse gases; and

Whereas, appropriate commitments to address greenhouse gas emissions from key developing countries are not currently included in the provisions of the Kyoto Protocol; and

Whereas, flexible market-based mechanisms such as emissions trading have proven to be extremely effective in reducing emissions of non-greenhouse gas air pollutants; and

Whereas, there is reason to believe that such flexible market-based mechanisms would be equally effective in reducing greenhouse gas emissions at the lowest possible costs; and

Whereas, adequately detailed provisions for emissions trading and other flexible market-based mechanisms are not currently in the Kyoto Protocol; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court urges that prior to the promulgation of federal regulations to implement the Kyoto Protocol, the Administration and the United States Senate, through ratification, should ensure that the Kyoto Protocol includes adequate provisions for:

(1) Emissions trading and other flexible compliance mechanisms, and

(2) Appropriate commitments from key developing countries; and

That copies of this resolution signed by the speaker of the house of representatives and the president of the senate be forwarded by the house clerk to the President of the United States Senate and to each member of the New Hampshire delegation to Congress.

#### **AMENDED ANALYSIS**

This resolution urges that prior to promulgation of federal regulations to implement the Kyoto Protocol, the Administration and United States Senate ensure the Kyoto Protocol includes adequate provisions for emissions trading and other flexible compliance mechanisms, and commitments from key developing countries.

Rep. Fenton yielded to questions.

Rep. Loren Jean spoke in favor and yielded to questions.

### MOTION TO LAY ON THE TABLE

Rep. Gary Johnson moved that **HCR 8**, urging nonimplementation of the articles of the Kyoto Protocol on global climate change, be laid on the table.

Rep. Tuthill requested a roll call; not sufficiently seconded.

On a division vote 107 members having voted in the affirmative and 197 in the negative, the motion failed.

The question now being the adoption of the amendment.

Adopted.

Report adopted and ordered to third reading.

**HCR 13**, urging the selection of a final design for the New Hampshire commemorative quarter which includes the state motto "live free or die." **OUGHT TO PASS WITH AMENDMENT**

Rep. Griffin T. Dalianis for State-Federal Relations and Veterans Affairs: A resolution urging the selection of a final design for the New Hampshire commemorative quarter which includes the state motto "live free or die". The amendment expresses the committee's feelings. We feel it is imperative that the Old Man of the Mountain and nine stars representing New Hampshire being the ninth state in the union to ratify the Constitution be placed on the coin that will be minted by the United States of America. Vote 14-0.

#### Amendment (1617h)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION urging the selection of a final design for the New Hampshire commemorative quarter which includes the state motto "live free or die, 9 stars representing New Hampshire as the ninth state to ratify the United States Constitution, and the Old Man of the Mountain."

Amend the resolution by replacing all after the resolving clause with the following:

That the final design to be selected for the New Hampshire commemorative quarter shall include the state motto "live free or die", 9 stars representing New Hampshire as the ninth state to ratify the United States Constitution, and the Old Man of the Mountain as a part of such design; and

That the governor, the governor's commemorative coin commission, the Secretary of the Treasury, and the director of the United States Mint shall recommend or select a final design for the New Hampshire commemorative quarter which includes the state motto "live free or die", 9 stars representing New Hampshire as the ninth state to ratify the United States Constitution, and the Old Man of the Mountain as part of such design; and

That copies of this resolution be forwarded by the house clerk to the governor, to each member of the New Hampshire congressional delegation, to the Secretary of the Treasury, and to the director of the United States Mint.

#### AMENDED ANALYSIS

This house concurrent resolution urges the governor, the Secretary of the Treasury, and the director of the United States Mint to select a design for the New Hampshire commemorative quarter which includes the state motto "live free or die", 9 stars representing New Hampshire as the ninth state to ratify the United States Constitution, and the Old Man of the Mountain as part of such design.

Rep. McGough spoke against.

Adopted.

Report adopted and ordered to third reading.

#### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Call of the Chair.

Adopted.

## LATE SESSION

## Third reading and final passage

**SB 164**, relative to persons exempted from the registration of ophthalmic dispensers.

**SB 193-FN**, relative to holiday pay for certain state employees.

**HB 501-FN-A**, relative to the repair of certain covered railroad bridge in Contoocook village in the town of Hopkinton.

**SB 45-FN-A**, allowing a waiver of interest for the time period of an extension of the date of payment of the legacies and successions tax.

**SB 129-L**, requiring school districts to disclose any reimbursements received to offset special education expenditures.

**HB 743**, requiring that the question relative to the necessity for a convention to revise the New Hampshire constitution be presented to the voters in the November 2000 general election.

**SB 47-FN**, relative to compensation for time lost by fish and game conservation officers for injuries received in the line of duty, and restoring certain leave time for a conservation officer injured while on duty on August 19, 1997.

**HB 346-FN-A**, relative to permissible fireworks.

**HB 363-FN**, increasing the bonding limit of the school building authority.

**HB 412-FN**, relative to the powers of the state treasurer and increasing the limit on state indebtedness, and relative to the use of bond proceeds awarded under a state guarantee.

**HB 542-FN-A**, repealing the legacies and succession tax.

**HB 602-FN**, establishing the position of health insurance consumer assistant.

**HB 645-FN**, relative to telecommunications equipment assistance and the enhanced 911 system.

**HB 653-FN-A**, increasing the personal needs allowance of nursing home residents and residents of residential care facilities and community residences and making an appropriation therefor.

**SB 168**, adopting a model statute included in the tobacco litigation master settlement agreement.

**SB 70**, changing the safe drinking water standard for MTBE.

**HCR 10**, requesting Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers.

**SB 74**, relative to the rule making authority of the real estate commission concerning practices relating to certain dwellings.

**SB 173-FN**, relative to optional allowances for beneficiaries of New Hampshire retirement system members.

**SB 217-FN**, relative to real estate brokers of other jurisdictions doing business in this state.

**SB 140**, relative to ear and body piercing.

**HJR 10**, requiring that the United States Marine Corps flag be flown over the state house every November 10 to honor the birth of the Corps.

**SB 220-FN**, relative to the disclosure of child abuse and neglect information.

**HCR 8**, urging improvements to the Kyoto Protocol prior to its implementation.

**HCR 13**, urging the selection of a final design for the New Hampshire commemorative quarter which includes the state motto "live free or die, 9 stars representing New Hampshire as the ninth state to ratify the United States Constitution, and the Old Man of the Mountain."

## UNANIMOUS CONSENT

Reps. Nordgren, Thomas and Fenton addressed the House.

Rep. Loren Jean moved that the remarks made by Rep. Fenton be printed in the Journal.

Adopted.

Rep. Fenton: Thank you, Madam Speaker. Today is a sort of important day to some of us. I'd like to turn the clock back to 1942, 1943 and 1944. The German under-sea boats were sinking our ships before they were getting out of Boston Harbor. They would sit out and they would see the skyline of our cities and if a ship passed in front of it, it was sunk automatically. It was a stranglehold on our allies in Great Britain. They could not get supplies to satisfy their nation's needs and they would soon crumble. At the same time, Japan determined that they were going to take over the Pacific. They did the dastardly job in Pearl Harbor. We had very few fighting ships left and the men of the North Atlantic Fleet and all other fleets and the destroyer people were transferred to the Pacific coast. We invented a new ship. They called it a destroyer escort. It is a smaller ship than a destroyer, heavily armored with three-eighth inch metal and it had two joints in it to help it split when it hit the waves. We were probably the smallest ship-of-the-line, with the exception of a conning tower of a subma-

rine. But, we traversed the oceans of the world bringing men and supplies over to Africa, Italy, Britain, Russia and into our islands down in the Pacific. We took on Japanese battle ships in the Tsushima Strait. We supplied the power to the peninsula of Cherbourg after it was captured. We didn't find out until after the war that these ships only had a life expectancy of six months. That scared the hell out of me, but I was out of the service by that time. There is only one of them left and it was donated back to us by the government of Greece. We sent a volunteer crew over to Greece, sailed the ship back into New York and now it is permanently berthed in Albany, New York. It is the USS Slater. Many of the men here that went across in those troop ships and in the supply ships, they would look out and there was a ship there and then suddenly it wasn't there. We spent most of our time, I believe, under water. We were so light and so small. We were picket ships, which means you were out there for the enemy to hit. If they fired a torpedo at a capital ship, it was our job to get in its way. On June 16<sup>th</sup>, all across the country, a lot of legislatures, as a sign, dedicated that day in commemoration of the destroyer escort sailors. I wanted to bring that message back to you. I'll have legislation next year and I hope we can join the other states in recognizing very valiant ships, the Destroyer Escorts.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming committees of conference only.

Adopted.

The House recessed at 5:02 p.m.

### RECESS

(Rep. Chandler in the Chair)

### ENROLLED BILL AMENDMENT

**SB 150**, making certain reference changes to the department of youth development services. (Amendment printed SJ 23, 6/17/99)

Adopted.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 204, 262, 345, 431, 444, 456, 527, 541, 727 and House Joint Resolution 9 and Senate Bills 16, 24, 25, 26, 59, 111, 141 and Senate Joint Resolution 1.

Rep. Ronald Nowe for the Committee

### RECESS

(Rep. Picconi in the Chair)

### ENROLLED BILL AMENDMENTS

**HB 215**, placing restrictions on name changes for certain felons and imposing a duty to notify certain law enforcement agencies when changes are made.

#### Amendment (1588-EBA)

Amend RSA 651-B:5 as inserted by section 2 of the bill by replacing line 4 with the following: to which [he] *the person* last reported under RSA 651-B:4 within 10 days of such change of residence, *name, or*

Adopted.

**HB 325**, prohibiting "cramming" in telecommunications billing.

#### Amendment (1608-EBA)

Amend the bill by replacing section 2 with the following:

2 Contingent Renumbering. If SB 141 of the 1999 session becomes law, then RSA 378:43-47 as inserted by section 1 of this act shall be renumbered as RSA 378:44-48.

3 Effective Date. This act shall take effect January 1, 2000.

Adopted.

**HB 438**, relative to certain changes to the membership of the advisory committee on child care.

**Amendment (1623-EBA)**

Amend RSA 126-A:17, VI(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) Informing the advisory council, in a timely manner, of any proposed legislation and any Adopted.

**HB 566**, relative to the supervision of the driver education program.

**Amendment (1576-EBA)**

Amend RSA 263:19 as inserted by section 2 of the bill by replacing line 14 with the following:

*private motor vehicle drivers' school courses.*

Adopted.

**HB 714-FN**, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison.

**Amendment (1602-EBA)**

Amend RSA 629:1, IV as inserted by section 1 of the bill by replacing line 1 with the following:

IV. The penalty for attempt is the same as that authorized for the crime that was attempted, Amend RSA 629:3, IV as inserted by section 3 of the bill by replacing line 3 with the following: *felony] the punishment shall be imprisonment for a term of not more than 30 years.*

Adopted.

**RECESS****(Speaker Sytek in the Chair)****RESOLUTION**

Rep. Henderson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 228 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading and referral**

**SB 228**, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system. (Executive Departments and Administration)

**RECESS****(Rep. Taylor in the Chair)****SENATE MESSAGES****CONCURRENCE**

**HB 66-FN**, relative to disability retirement benefits for retirement system members permanently incapacitated for duty.

**HB 88-FN**, relative to purchasing credit for prior service for certain employees in the New Hampshire retirement system.

**HB 236-FN-L**, relative to felonious disarming of a law enforcement officer.

**HB 245-FN**, relative to fees and appropriations to the division of safety services.

**HB 274-FN**, relative to the office of the consumer advocate.

**HB 412-FN**, relative to the powers of the state treasurer and increasing the limit on state indebtedness, and relative to the use of bond proceeds awarded under a state guarantee.

**HB 443**, allowing certain beverage manufacturers to distribute products directly to retailers.

**HB 469**, raising the medical payments coverage under automobile insurance policies.

**HB 485-FN**, relative to the calculation of unemployment compensation benefits.

**HB 487**, relative to the adoption of bonds or notes in certain school districts and municipalities.

**HB 495-FN-A**, relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee, allowing coverage for discharge prevention, and allowing reimbursement for replacing substandard tanks.

**HB 524**, increasing the alternate members on the public employee labor relations board.

**HB 561-FN**, reducing lab analysis fees of chemical analyses of water.

**HB 586**, relative to rulemaking authority of the board of chiropractic examiners and unlawful practice of chiropractic.

**HB 609**, relative to construction of a sewer force main through a state land conservation easement.

**HB 688**, relative to the custody and escheat of abandoned and unclaimed property.

**HB 706**, relative to the definition of "sexual contact" under the sexual assault laws and relative to the registration of certain criminal offenders.

**HB 726-FN**, relative to the credentialing of personnel in early care and education programs, establishing a fee for such credential, and making an appropriation therefor.

**HB 744**, ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Gilford School District annual meeting held on March 17, 1999.

**HJR 8**, urging the Federal Energy Regulatory Commission to change the structure of the New England Independent System Operator (ISO).

**HCR 2**, recognizing students who display good behavior in the public schools.

### NONCONCURRENCE

**HB 397**, establishing a 4-year term for the commissioner of the department of corrections, and clarifying the process of appointing personnel under the commissioner.

**HB 454**, requiring the university system of New Hampshire board of trustees to initiate a study of the status of veterans' access to higher education within the university system.

**HB 471**, exempting certain family owned and operated businesses from certain requirements in the workers' compensation act relative to safety programs.

**HB 570**, restricting a presiding judge's authority to interrupt jury deliberations.

### RECESS

(Rep. Thomas in the Chair)

### ENROLLED BILL AMENDMENT

**HB 744**, ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Gilford School District annual meeting held on March 17, 1999.

### Amendment (1688-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT      ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, the Alton annual town meeting held on March 10, 1999, and the Gilford School District annual meeting held on March 17, 1999.

Adopted.

### RECESS

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 67, 487 and 744.

Rep. Lozeau, Sen. D'Allesandro for the Committee

### RECESS

(Rep. Konys in the Chair)

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 532.

Rep. Burling, Sen. D'Allesandro for the Committee

### RECESS

**(Rep. Avery in the Chair)**

**SENATE MESSAGES**

**RE-REFERRED TO COMMITTEE**

**HB 251**, relative to official ballot procedures.

**HB 422**, relative to advertising by rent-to-own businesses.

**HB 542-FN-A**, repealing the legacies and succession tax.

**REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 69**, relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees. (Amendment printed SJ 22, 6/8/99)

Rep. Noyes moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Daniels, Gilman, Clegg and Kelley.

**RECESS**

**(REP. BUCKLEY IN THE CHAIR)**

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 412.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECESS**

**(Rep. Spear in the Chair)**

**ENROLLED BILL AMENDMENT**

**SB 112**, relative to the guardianship of minors. (Amendment printed SJ 24, 6/22/98)

Adopted.

**RECESS**

**(Speaker Sytek in the Chair)**

**CONFEREE CHANGE**

**SB 30**, relative to the cruelty to animals law.

Rep. Welch replaced Rep. Schanda.

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 22**

Tuesday, June 22, 1999

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Lynn Johnson, Pastor of the West Rumney Community Church.

God of life and love, God of compassion, we bless You for the wonders of creation, and we offer You praise for the gifts and for the responsibilities that You have given to us. We are awed by our role as stewards of Your world and humbled by the realization of our influence over the lives of others. In Your wisdom, You have given us into the care of our families, our neighbors, our communities; You have entrusted us all with a common life and with numberless bonds that knit us together, in rejoicing, in suffering, in the care of those around us. Teach us to remember that our dependence upon the work of the minds and hands of others is a reflection of our dependence upon You. Teach us to show in our compassion and respect for our fellows, our reverence for You. Help us in our struggles, that we may confront one another without bitterness or hatred; in grace that only You can give, help us to work together with mutual forbearance and respect. May lives of thanksgiving and unity give praise to You. Amen.

Rep. Flint led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Patricia Cote, Courchesne, Golden, McColgan, Schanda, Sabella and Scarles, the day, illness. Reps. Alukonis, Czech, Perley Davis, Dokmo, Domingo, Glines, Hamel, Claudette Jean, Nancy Johnson, Langer, Lefebvre, Marsha Pelletier, Picconi, Scanlan, Shelton, Tsiros, Weatherspoon and Young, the day, important business.

Rep. Dawe, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Barbara Brewster, wife of Rep. Brewster. Former NH Rep. Merle Schotanus, guest of Rep. Jones. Former NH Reps. Josephine Mayhew and Paula Bradley, guests of Reps. Hawkinson and Mears. Ellen Avery, wife of Rep. Avery. Bonnie Dunham, Lisa Boillard, Dave Hacket and Mary Ellen Doherty, guests of the Merrimack delegation.

**COMMITTEE REPORTS****CONSENT CALENDAR – Part I**

Rep. Chandler moved that the Consent Calendar – Part I with the relevant amendments as printed in the day's House Record be adopted.

**SB 20**, relative to the sale or resale of tickets to motor sports events at the New Hampshire International Speedway, removed by Rep. Buckley.

**HB 537**, relative to background checks for firearms purchases, removed by Rep. Marple.

**SB 135-FN**, relative to water supply land protection grants, removed by Rep. Blanchard.

Consent Calendar adopted.

**SB 200**, relative to child care licensing procedures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill was filed as the result of a legislative study committee on day care licensing procedures. The bill, as amended by the committee, addresses specific issues. As amended, SB 200 provides that child care facilities which are operated in public or private schools which have already met state and local standards for zoning, fire and safety, do not have to have additional inspections in order to provide day care services. The bill also requires that within 30 days of new members or individuals coming into a household who will have regular contact with children, these individuals must undergo the criminal background check currently required of other household and staff members under licensing and registration procedures. Failure of a provider to take corrective action(s) shall be grounds for loss or removal of license. Vote 17-0.



**Amendment (1613h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to child day care licensing procedures.

Amend the bill by replacing all after the enacting clause with the following:

1 Applications; Exemption for Existing School-Based Child Care Centers. Amend RSA 170-E:6 to read as follows:

170-E:6 Applications; Compliance with Local Codes Required. Any person who intends to operate a child day care agency as defined in RSA 170-E:2, IV, shall apply for a license to operate one or more types of child day care agencies. Application for a license to operate a child day care agency shall be made to the department in the manner and on forms prescribed by rules adopted by the commissioner pursuant to RSA 541-A. Such forms shall provide for the names, birth names, birth dates, and addresses of all persons having responsibility for care of or regular contact with children at the agency. The applicant shall obtain approvals in accordance with state and local requirements pertaining to health, safety and zoning, as applicable. *School age programs located in currently operating public or private schools shall be exempt from the requirement to provide documentation of approval pertaining to fire, health, and zoning.*

2 Criminal Record Checks. Amend RSA 170-E:7, I-III to read as follows:

I. Child day care providers ~~[which]~~ *who* are required to be licensed or registered according to the provisions of this chapter shall, within 30 days of adding new staff members responsible for the care of, or having regular contact with children, *and within 30 days of adding new household members or other individuals who will have regular contact with children*, submit to the department, the names, birth names, birth dates, and addresses of such ~~[staff members]~~ *individuals* and other information required by the department as prescribed by rules adopted by the commissioner under RSA 541-A.

II. The department shall, for every name submitted on ~~[the]~~ *an* application, in the registration process, and for each ~~[new staff member, or at each renewal,]~~ *individual for whom information is required to be submitted pursuant to paragraph I*, review the names, birth names, birth dates, and current and previous addresses of such persons against the state registry of founded abuse and neglect reports. The department shall submit the names, birth names, birth dates, and addresses to the state police files to obtain information about criminal convictions.

III. If any individual whose name has been submitted for a check under this section has been convicted of a violent or sexually-related crime against a child, or of a crime which shows that the person might be reasonably expected to pose a threat to a child, such as a violent crime or a sexually-related crime against an adult, the department shall ~~[deny, revoke, or suspend a license, permit, or registration pending the development and implementation of a corrective action plan approved by the department. In addition, the department shall,]~~

(a) If the individual is the applicant or owner, revoke or deny the license or permit, or withhold state funds if the child day care provider is not required to be licensed.

(b) *If the individual is a board member, household member, or child day care personnel, or any other individual having regular contact with the enrolled children, inform the child day care agency or registered provider that the individual poses a threat to children and give the agency or registered provider an opportunity to take immediate corrective action to remove the individual from the agency, and to, in conjunction with the department, develop a corrective action plan, approved by the department, which shall ensure that the individual will not be on the premises of the child day care program and shall have no contact with children enrolled in the child day care program.*

(c) *Suspend, deny, or revoke the license or permit if the child day care program refuses to take corrective action as indicated in subparagraph (b), or subsequently fails to comply with the corrective action plan approved by the department.*

(d) Upon a finding of criminal activity as described in this paragraph, withhold state funding to registered child day care providers that are exempt from the licensing requirements of RSA 170-E:4 ~~[pending the development and implementation of a]~~ *if the provider refuses to take corrective action as indicated in subparagraph (b), or fails to comply with the corrective action plan approved by the department.*

3 License Issuance. Amend RSA 170-E:8, III to read as follows:

III. The department shall make monitoring visits a minimum of once yearly during each licensing period. At least one such visit during the licensing period shall be unannounced. Clear and comprehensive records shall be maintained by the department on each licensed agency showing the dates and findings of each such visit. Such records shall be made available to the child day care agency. If the child day care agency is found not to be in compliance with the statute or ~~the~~ **with** rules adopted by the commissioner, a corrective action plan shall be submitted to the department. Failure to submit an acceptable plan shall result in license suspension, **denial** or revocation.

4 Household Members Having Contact with Children. Amend RSA 170-E:12, XI to read as follows:

~~XI. [Continues to employ a person without taking corrective action after receipt of written notification from the department that the person poses a risk to children, such notification including the basis for the department's determination that the risk exists]~~ **Meets the conditions specified in RSA 170-E:7, III.**

**5 Effective Date. This act shall take effect January 1, 2000.**

#### AMENDED ANALYSIS

This bill:

I. Adds household members and persons having contact with children in child day care programs to list of persons required to undergo background checks.

II. Further defines the compliance process for child care facilities.

**SB 11-FN**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: This bill changes the method of charging filing fees only on each portfolio in a combined prospectus offered for sale in New Hampshire by a mutual fund. In the past, all funds listed in a prospectus were charged the \$1,000 filing fee whether the fund was offered for sale in New Hampshire or not. The change would make only those funds offered in New Hampshire subject to the filing fee.

The sponsors of the bill feel that many more funds will be offered in New Hampshire if this bill passes, therefore actually increasing income to the state rather than losing money.

**The fiscal note on this bill ranges from a possible loss of \$690,000 to a gain of over \$300,000.**

The amendment creates a review process by which the Secretary of State will file a report from the period of May 1999 to May 2001 on the fiscal impact of legislation so the Legislature can take action in the 2002 session to address any negative fiscal impact Vote 14-0.

#### Amendment (1506h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Report. The secretary of state shall issue a report to the governor, the senate president, the speaker of the house, the senate clerk, the house clerk and the state library containing findings and recommendations regarding the fiscal impact, if any, of requiring that issuers pay a filing fee for only those securities in a combined prospectus that are being offered for sale in this state. The report shall cover the period from May 1, 1999 to May 1, 2001; shall provide objective and credible evidence demonstrating that any negative fiscal impact is a direct result of a decrease in the amount of revenue received in connection with the use of combined prospectuses in the state; and shall be due on or before October 1, 2001, to permit legislative action, if any is needed to address such fiscal impact, during the 2002 session of the general court.

#### AMENDED ANALYSIS

This bill requires that mutual funds pay filing fees to the secretary of state only on each portfolio and each class of securities in a combined prospectus that is being offered for sale in New Hampshire. The bill requires the secretary of state to prepare a report on the fiscal impact of this change in filing fee requirements.

Referred to Finance.

**SB 27**, relative to assessment fee schedules for trust companies and banks. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill has been proposed by the Banking Department to adjust the distribution of its overhead expense among financial institutions in a fair and equi-

table manner. Currently, the method for assessing individual financial institutions is in proportion to their size, with trust assets measured at 25% of their value. Even with the 25% valuation, this method allocates a disproportionate regulatory cost on financial institutions which manage billions of dollars of investment, pension and retirement funds. This bill adjusts the assessment to more closely correspond to the Banking Department's regulatory oversight functions by measuring trust assets under management in a graduated manner, such that the first \$5 billion in trust assets is included at 25%; the next \$5 billion at 20%; the next \$5 billion at 15%; the next \$5 billion at 10%; the next \$5 billion at 5%; the next \$25 billion at 2.5%; and any remaining amounts at 1%. No change will occur in the overhead expense of the Banking Department or in any other aspect of its calculation of the assessment. Vote 15-0.

#### **Amendment (1318h)**

Amend the bill by replacing section I with the following:

1 Payment of Costs of Examinations; Fiduciary Assets. Amend RSA 383:11, II(a) to read as follows:

(a) From banks and credit unions. Each state-chartered savings bank, commercial bank, trust company, cooperative bank, building and loan association, credit union, Morris Plan bank, or similar institution required to be examined under the provisions of RSA 383:9 shall be charged and pay such proportion of said balance applicable to such institutions under the banking department's program appropriation unit designation, as its total assets bear to the total assets of all such institutions as shown by their reports to the commissioner as of June 30 preceding such charges, except that ~~only 25~~ the percent of the fiduciary assets ~~shall be~~ used in the calculation of the total assets of each institution and all such institutions *shall be determined as follows:*

*(1) Fiduciary assets up to \$5,000,000,000 shall be calculated at 25 percent;*

*(2) Fiduciary assets that are between \$5,000,000,000 and \$10,000,000,000, shall be calculated at 20 percent;*

*(3) Fiduciary assets that are between \$10,000,000,000 and \$15,000,000,000, shall be calculated at 15 percent;*

*(4) Fiduciary assets that are between \$15,000,000,000 and \$20,000,000,000, shall be calculated at 10 percent;*

*(5) Fiduciary assets that are between \$20,000,000,000 and \$25,000,000,000, shall be calculated at 5 percent;*

*(6) Fiduciary assets that are between \$25,000,000,000 and \$50,000,000,000, shall be calculated at 2.5 percent;*

*(7) Fiduciary assets that are between \$50,000,000,000 or more, shall be calculated at 1 percent;*

**SB 58**, allowing clinical mental health counselors to obtain third party payment for services rendered which would otherwise qualify for such payments. OUGHT TO PASS WITH AMENDMENT Rep. Keith R. Herman for Commerce: This bill brings consistency to all classes of licensed mental health practitioners. Now, all licensed groups will receive third-party reimbursement from indemnity health plans in New Hampshire. The amendment removes a statutory reference in the licensing chapter, which does not exist for any other group. Vote 15-0.

#### **Amendment (1525h)**

Amend the bill by deleting section I and renumbering the original sections 2-6 to read as 1-5, respectively.

**SB 69-L**, relative to health care charitable trusts and community benefits. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce: The amendment clarifies who the bill affects and has a phase-in of a year for smaller healthcare non-profits. These non-profits may also work together in generating their reports. Finally, the amendment also insures that this law will not change or affect a non-profit status as pertaining to property tax exemption. Vote 14-0.

#### **Amendment (1647h)**

Amend RSA 7:32-d, V as inserted by section I of the bill by replacing it with the following:

V. "Health care charitable trust" means a charitable trust organized to directly provide health care services, including, but not limited to, hospitals, nursing homes, community health services,

and medical-surgical or other diagnostic or therapeutic facilities or services. "Health care charitable trust" shall not include any testamentary or inter vivos trust which is not organized to provide health care services.

Amend the introductory paragraph of RSA 7:32-e as inserted by section 1 of the bill by replacing it with the following:

7:32-e Community Benefits Plans. Within 90 days of the start of its fiscal year every health care charitable trust shall develop a community benefits plan. The plan shall be developed in accordance with the following criteria on forms supplied by the attorney general:

Amend RSA 7:32-j as inserted by section 1 of the bill by replacing it with the following:

7:32-j Exemption. If the total value of the fund balances of a health care charitable trust do not exceed \$1,000,000, the trust shall have no obligation to comply with the provisions of this subdivision. In addition, those health care charitable trusts for which compliance would be a financial or administrative burden, according to criteria established and administered by the director of charitable trusts, may request an exemption from the provisions of this subdivision. An exemption, if granted, shall be valid for 3 years from the date of issuance unless it is revoked by the director of charitable trusts and written notice of such revocation is provided to the health care charitable trust.

7:32-k Effect on Eligibility for Property Tax Exemption. Compliance with this subdivision shall not establish eligibility for a property tax exemption under RSA 72:23, V, but may be considered if relevant to the criteria established in RSA 72:23, RSA 72:23-1, and at common law.

7:32-l Combined Needs Assessments, Planning, Reporting. Health care charitable trusts may satisfy the requirements of RSA 7:32-e, RSA 7:32-f, and RSA 7:32-g, individually or in a combination with other health care charitable trusts, provided that information required to be reported under RSA 7:32-e, V(a) and (b) shall be specifically reported for each health care charitable trust participating in a combined plan or report.

Amend the bill by replacing all after section 1 with the following:

2 Prospective Change in Total Equalized Assessed Value Required for Exemption. Amend RSA 7:32-j to read as follows:

7:32-j Exemption. If the total value of the fund balances of a health care charitable trust do not exceed [~~\$1,000,000~~] \$100,000, the trust shall have no obligation to comply with the provisions of this subdivision. In addition, those health care charitable trusts for which compliance would be a financial or administrative burden, according to criteria established and administered by the director of charitable trusts, may request an exemption from the provisions of this subdivision. An exemption, if granted, shall be valid for 3 years from the date of issuance unless it is revoked by the director of charitable trusts and written notice of such revocation is provided to the health care charitable trust.

3 Legislative Review. The provisions of this act shall be subject to further legislative review and amendment based on the results of the statewide health plan process to be implemented during the fiscal year ending June 30, 2000 and the initial reports by the health care charitable trusts in compliance with this act.

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 2001.

II. The remainder of this act shall take effect January 1, 2000.

#### AMENDED ANALYSIS

This bill requires that health care charitable trusts develop community benefits plans each fiscal year which shall be submitted to the director of charitable trusts; and provides what shall be included in such plans. Health care charitable trusts shall also conduct community needs assessments in order to help determine the activities to be included in the community benefits plans. Health care charitable trusts with total value of fund balances not exceeding \$1,000,000 are exempt from this bill's provisions. Under this bill, the \$1,000,000 exemption figure will change to \$100,000 on January 1, 2001. In addition, health care charitable trusts for whom compliance would be a financial or administrative burden may be granted an exemption from the bill's requirements. The bill also authorizes the director of charitable trusts to assess an administrative fine upon charitable trusts for failure to comply with certain requirements.

**SB 73**, relative to eligibility for off-premise liquor licenses. **INEXPEDIENT TO LEGISLATE**  
Rep. Stephen G. Avery for Commerce: This bill would have allowed people who hold a golf facility liquor license to also do off-site catering. Since there is no food requirement for a golf facility

license, it would be inconsistent with all other off-site catering licenses. The Liquor Commission is in the process of re-codifying all of their license fees and will address the concerns of the sponsor during the process. Vote 13-1.

**SB 78**, relative to contract requirements between a paid solicitor and a charitable trust. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: The amendment changes the order of the paragraphs and clarifies which section of the law the bill effects by adding the appropriate RSA and the phrase "political subdivision of the state of New Hampshire." Vote 14-1.

#### **Amendment (1530h)**

Amend the bill by replacing section 1 with the following:

1 Contract and Disclosure Requirements. Amend RSA 7:28-c, V(a) to read as follows:

V.(a) There shall be a written contract between a paid solicitor and a charitable trust which shall clearly state:

(1) The respective obligations of the paid solicitor and the charitable trust [~~and shall state~~].

(2) The amount of the gross revenue from the solicitation campaign that the charitable trust shall receive. Said amount shall be expressed as a fixed percentage of the gross revenue or as a reasonable estimate of the gross revenue, subject to and in accordance with the provisions of subparagraphs (b), (c), and (d) of this paragraph.

(3) *In addition, for charitable trusts defined under RSA 7:28-c, 1(b) and any political subdivision of the state of New Hampshire: that the name and address of each person pledging to contribute, together with the date and amount of the pledge, shall be the sole exclusive property of the charitable trust with no rights to transfer, sell, rent, or otherwise cause to be used except by the originating charitable trust.*

**SB 90**, establishing a committee to study and investigate the needs for small business loans to pay for technical improvements for persons working at home. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: The concerns of home-based business owners having access to small loans for equipment and telecommunication hardware is a serious one, but the committee believes education about existing programs and funding sources is a more efficient and effective means of achieving the sponsor's goal. To ensure this happens, the Business Finance Authority has agreed to work with the sponsor to put together a promotional piece to be distributed through chambers of commerce. Vote 14-2.

**SB 99**, allowing the same interest rates and charges on small loans under \$1,500 as is allowed for small loans over \$1,500. **OUGHT TO PASS**

Rep. Sheila T. Francoeur for Commerce: This bill will allow the same interest rates and charges on small loans under \$1,500 as is allowed for small loans over \$1,500. This bill will allow in-state small loan lenders to compete with credit card companies and will assist the small loan borrower with availability of credit. The Banking Department has traditionally opposed usury limits and this bill removes usury limits on small loans under \$1,500. Vote 12-3.

**SB 103**, making certain changes in the insurance laws. **OUGHT TO PASS**

Rep. Kathleen N. Taylor for Commerce: This bill was requested by the Insurance Department. It defines institution in the statute and deletes required reporting to the department. It also clarifies procedures when an insurance company is undergoing examination. Vote 15-0.

**SB 104**, making a variety of changes in certain insurance laws. **OUGHT TO PASS**

Rep. Kathleen N. Taylor for Commerce: This bill was requested by the Department of Insurance and: 1.) deletes preferred provider organizations from the requirement of licensure to perform utilization review; 2.) clarifies the procedure to be followed if a group life insurance policy is terminated; and 3.) repeals the temporary licensure provisions relative to continuing care communities. Vote 15-0.

**SB 107**, relative to fees for examination of domestic societies and foreign societies. **OUGHT TO PASS**

Rep. Kathleen N. Taylor for Commerce: This bill extends the time limit for insurance department examinations of domestic and foreign bi-cultural and other societies from two to five years. It also deletes the requirement that fees for examination be capped at \$25 per day for each examiner. Vote 15-0.

**SB 110**, allowing for discharges of mortgages by affidavit of a New Hampshire attorney. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill will allow any attorney licensed in New Hampshire to execute a discharge of mortgage when a mortgagee fails to make a discharge within 60 days after the receipt of payment of the mortgage in accordance with the payoff statement. The attorney must also file an affidavit stating the facts of the non-discharge and has given the mortgagee at least 15 days' notice in writing by certified mail. The bill also calls for a fine of not more than \$5,000 for filing false statements in the affidavit. Vote 14-1.

**SB 114**, relative to health care carrier disclosure of third party liability. **OUGHT TO PASS**

Rep. Keith R. Herman for Commerce: This bill simplifies the process the Department of Health and Human Services (HHS) goes through to ensure all commercial or third party insurance liability is paid prior to the state Medicaid system picking up those costs. The sharing of information between the Insurance Department and HHS will not violate any confidentiality rights. There is a fiscal note increasing state revenues by over \$1,000,000. Vote 14-0.

Referred to Finance.

**SB 118**, relative to requirements for retail installment contracts for motor vehicle sales. **OUGHT TO PASS**

Rep. Tim S. McGough for Commerce: This bill simply adds one sentence to the requirements for retail installment contracts for motor vehicle sales. It requires that the amount actually paid by the seller, pursuant to an agreement with the buyer to discharge a security interest, be included in the language of the document. Vote 15-1.

**SB 147**, relative to self-referrals for chiropractic care under managed care organizations. **RE-REFER TO COMMITTEE**

Rep. Keith R. Herman for Commerce: This bill came to the House late in the legislative process. While significant issues were raised during a well-attended public hearing, there is inadequate time to give the bill the committee's full consideration. There is broad agreement that something has to be done to address the concerns raised during the hearing; therefore, the committee will work with the Department of Insurance, chiropractors, their patients, and the managed care plans to seek a resolution. Vote 14-0.

**SB 162**, providing for the licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances. **RE-REFER TO COMMITTEE**

Rep. Keith R. Herman for Commerce: Healthcare purchasing alliances are one tool available to small employers to help control health insurance cost and provide choice in health plans to employees. The New Hampshire Insurance Department believes that alliances can be formed under current law. This bill would create a structure in which alliances could form, thus giving "state approval" to alliances. This committee worked last summer on a study committee, which recommended the creation of alliances. SB 162 includes some elements not recommended by the study committee. One of these is not allowing "for profit" entities to manage an alliance. There are other changes, which need to be made, and the committee will work seriously over the summer to report out next session a bill that everyone can support. Vote 15-1.

**SB 166**, establishing a committee to study insurance coverage for certain physical, occupational, and speech therapies. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: The bill created a study committee to look at an issue already being considered by many groups, including the Department of Health and Human Services and, with the encouragement of the Commerce Committee, the Insurance Department. The data collection necessary can occur without the formality of a study committee. Vote 12-2.

**SB 167**, relative to off-label prescription drugs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill will provide that any insurer providing coverage for prescription drugs will not exclude coverage for a drug for a particular indication on the basis that the drug has not been approved by the Food and Drug Administration for that indication. Also, drugs that are recognized for an indication in the standard reference compendia recognized by the American Medical Association, are on the formulary of the health plan and are not experimental or investigational, may not be excluded. Vote 12-1.

**Amendment (1671h)**

Amend the bill by replacing sections 1-3 with the following:

**1 Statement of Purpose.**

I. Off-label use of a prescription drug occurs when a health care provider with appropriate prescriptive authority prescribes a medicine for a use other than what is approved for the product label by the Food and Drug Administration (FDA). Medically appropriate off-label use of FDA-approved drugs occurs when a health care provider with appropriate prescriptive authority makes a clinical judgment that is supported by studies in the medical literature. Off-label coverage has been approved by the federal government since 1993 for federal health programs.

II. In the current health care environment, there is significant pressure to control costs. The most important changes are occurring in how patients get access to prescription drugs. It is essential to preserve the integrity of the health care provider's right to select a prescription drug that he or she believes most appropriately meets the needs of a patient. This bill supports the right of a health care provider with appropriate prescriptive authority to make a therapeutic decision that is fully supported by peer-reviewed clinical data.

**2 New Section: Off-Label Prescription Drugs.** Amend RSA 415 by inserting after section 6-f the following new section:

**415:6-g Off-Label Prescription Drugs.**

I. No insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses and providing coverage for prescription drugs shall exclude coverage for any such drug for a particular indication on the ground that the drug has not been approved by the Food and Drug Administration (FDA) for that indication, if such drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature as recommended by current American Medical Association (AMA) policies.

II. Any coverage of a drug required by this section shall also include medically necessary services associated with the administration of the drug.

**III. Nothing in this section requires:**

(a) Coverage for any drug if the FDA has determined its use to be contraindicated for the treatment of the particular indication for which the drug has been prescribed;

(b) Coverage for experimental or investigational drugs not approved for any indication by the FDA; and

(c) Reimbursement or coverage for any drug not included on the drug formulary or list of covered drugs specified in a health plan, contract, or policy.

**3 New Section: Off-Label Prescription Drugs.** Amend RSA 415 by inserting after section 18-h the following new section:

**415:18-i Off-Label Prescription Drugs.**

I. No insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses and providing coverage for prescription drugs shall exclude coverage for any such drug for a particular indication on the ground that the drug has not been approved by the Food and Drug Administration (FDA) for that indication, if such drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature as recommended by current American Medical Association (AMA) policies.

II. Any coverage of a drug required by this section shall also include medically necessary services associated with the administration of the drug.

**III. Nothing in this section requires:**

(a) Coverage for any drug if the FDA has determined its use to be contraindicated for the treatment of the particular indication for which the drug has been prescribed;

(b) Coverage for experimental or investigational drugs not approved for any indication by the FDA; and

(c) Reimbursement or coverage for any drug not included on the drug formulary or list of covered drugs specified in a health plan, contract, or policy.

**SB 174**, relative to the regulation of telemarketers. **INEXPEDIENT TO LEGISLATE**

Rep. Tim S. McGough for Commerce: This bill would have enacted a large list of restrictions on telemarketers that would have effectively eliminated many valid forms of legitimate marketing including efforts by charitable organizations to legally solicit contributions from supporters. The Attorney General already has provisions in place to regulate these practices and issues a regular

report disclosing all such activity. The committee felt that consumers always have the ability to hang up or not answer the phone or use any of the line-blocking or caller-identification features widely available to enable effective call screening. The committee further recognized that this type of legislation will have no effect on the most common offensive telemarketing that originates outside of the United States. The proposed legislation would also be virtually impossible to enforce and would most certainly not, in and of itself, prevent any such activity. The committee believes that ongoing educational efforts by a variety of organizations including the American Association of Retired Persons are effective and should be applauded and continued. Vote 11-2.

**SB 177**, allowing marriage and family therapists to obtain third party payment for services rendered which would otherwise qualify for such payments. **OUGHT TO PASS WITH AMENDMENT** Rep. Keith R. Herman for Commerce: This bill brings consistency to all classes of licensed mental health practitioners. Now, all licensed groups will receive third-party reimbursement from indemnity health plans in New Hampshire. The amendment removes a statutory reference in the licensing chapter, which does not exist for any other group. Vote 13-0.

#### **Amendment (1524h)**

Amend the bill by deleting section 1 and renumbering the original sections 2-6 to read as 1-5, respectively.

**SB 183-FN-A**, establishing a New Hampshire health access corporation and continually appropriating a special fund and making an appropriation therefor, requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to certain transfers to the health care fund, and relative to rates for pharmaceutical services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: The original bill had four distinct sections. The first section created a Health Access Corporation (Healthy Adults) to devise methods of providing and subsidizing insurance coverage for uninsured, underinsured and transitional medicaid individuals. The second section required any surpluses from the Department of Health and Human Services to be deposited into the health care transition fund to bring that fund back up to original levels. The third section allowed municipalities to pay for medicaid pharmaceutical payments at the same rate as the state does. The fourth section required the Department of Health and Human Services to undertake a biannual report of the health condition of state residents. The amendment retains the original sections 3 and 4, eliminates the second section and completely changes the Health Access Corporation. The new provision creates a subcommittee of the existing Healthy Kids Corporation to accomplish the goals of the sponsor and also allows the Insurance Department and Department of Health and Human Services to cooperate on finding mechanisms to address problems for those with chronic illnesses and disabilities. The amendment also requires this committee to report to the Legislature by November 1, 2000 any recommendations for legislation prior to taking any actions. Hopefully, this mechanism will allow Health and Human Services to raise money through donations and grants to accomplish their goals Vote 13-0.

#### **Amendment (1673h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to rates for pharmaceutical services, requiring the department to conduct a study, and establishing a subcommittee to study affordable health insurance for low-income working adults.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Report Required. Amend RSA 126-A by inserting after section 4 the following new section:

126-A:4-a Health Care Plan Report Required. The department of health and human services is responsible for activities to improve and protect the health and well-being of citizens of the state of New Hampshire. A part of such activities is an assessment of the health status of the residents of New Hampshire. The department shall continually conduct such an assessment and shall issue a report thereon to the governor, the president of the senate, and the speaker of the house every 2 years commencing on December 31, 2000.



2 New Subparagraph; Pharmaceutical Services. Amend RSA 126-A:3, III by inserting after subparagraph (d) the following new subparagraph:

(e) When a person is being assisted by a city, town, or county in the purchase of a drug product, pursuant to RSA 165 or RSA 166, no provider of pharmaceutical services shall bill or charge the person, city, town, or county for the drug product at a rate in excess of the rate that would be billed or charged the department of health and human services for that product.

3 Statement of Purpose; Developing Transitional Health Care Coverage for Disabled Persons. Approximately 5,000 individuals in New Hampshire are enrolled in 2 state supplemental assistance programs – the aid to the permanently and totally disabled program and the aid to the needy blind program – which provide financial assistance to individuals who are physically or mentally disabled between the ages of 18 and 64 (4,923 individuals) or blind (219 individuals). These individuals are automatically eligible for medicaid. However, they risk losing medicaid coverage if their earnings from employment (combined with other income) exceed medicaid eligibility income limits. Many of these individuals' lives depend on their eligibility for medicaid because it covers necessary medications, physician services, and medical equipment. While 4 out of 5 of these individuals have responded when asked that they want to obtain employment and leave cash assistance dependency, a critical concern is losing their health care benefits. In effect, they are "locked" out of employment in order to maintain their health insurance. A critical next step in reforming New Hampshire's human service programs and supporting persons with disabilities is developing transitional health care coverage to help people transition to employment without risk to their health.

4 Department of Health and Human Services; Study. The department of health and human services shall investigate how to create better options for transitional public or private health coverage for these individuals. The department shall explore medicaid "buy-in" options, where covered persons may contribute financially, and seek such medicaid waivers and state plan changes as may be appropriate to enable individuals with disabilities to secure and maintain gainful employment without fear of losing health insurance coverage.

5 Statement of Purpose; Coverage for Low-Income Working Adults. In New Hampshire, many low-income, working adults lack adequate access to health care services and experience diminished health outcomes because they cannot obtain affordable health insurance coverage. There is hereby established a subcommittee of the New Hampshire healthy kids corporation board of directors, established in RSA 126-H:3, to research and develop options for affordable health insurance for these individuals.

#### 6 Healthy Kids Subcommittee Established.

I. The department of health and human services shall work with a subcommittee that is comprised of appropriate members of the healthy kids corporation board of directors and that includes other members as follows:

(a) One member appointed by the New Hampshire Medical Society.

(b) One member appointed by the New Hampshire Nurses Association.

(c) One member appointed by the Home Care Association of New Hampshire.

(d) One member from a community health center appointed by the Bi-State Primary Care Association.

(e) One member appointed by the New Hampshire Association of Health Plans.

(f) One member appointed by the University of New Hampshire School of Health and Human Services.

(g) Two consumers appointed by the governor and council.

#### II. The subcommittee shall:

(a) Review information on the characteristics of New Hampshire's uninsured population, based on the results of the New Hampshire Health Insurance Coverage and Access Survey.

(b) Identify, based on the Health Insurance Coverage and Access Survey, the population groups and geographic areas that are most appropriately targeted.

(c) Examine models for affordable health coverage, including models from other states.

(d) Identify options that would be most effective.

(e) Develop cost projections for those options.

(f) Research the level of premium contributions that eligible individuals would be willing to pay.

(g) Identify potential sources of funding.

III. The subcommittee shall elect a chairperson from among its members. The first meeting of the subcommittee shall be called by the commissioner of health and human services. The department of health and human services shall provide administrative staff support. The department of health and human services and the New Hampshire healthy kids corporation shall jointly seek funding to support the subcommittee's work.

IV. The subcommittee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 30, 2000.

7 Effective Date.

1. Sections 3-6 shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill:

(1) Requires the department of health and human services to make a biennial report on the health status of New Hampshire residents.

(2) Requires that the rates paid for pharmaceutical services by a city, town, or county pursuant to RSA 165 or RSA 166 shall not be in excess of the rates paid by the department of health and human services for such services.

(3) Requires the department of health and human services to conduct a study regarding transitional health care coverage for disabled persons.

(4) Establishes a subcommittee to research and develop options for affordable health insurance for low-income working adults.

**SB 191**, relative to the New Hampshire higher educational and health facilities authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce: The most important part of SB 191 is the expansion of the Authority borrowers to include a wider range of not-for-profit health care and educational institutions eligible for the Authority's funds. The bill changes the name of the Authority to reflect the Authority's expanded powers with respect to its borrowers. Finally, the bill makes changes in the requirements for conducting business by permitting members of the board to participate in meetings by telephone as long as at least two members of the board are physically present at a location available to the public. The majority of the members constituting a quorum present and voting is now necessary for any action taken by the corporation. Present shall mean by phone as well as in person. Vote 13-0.

### Amendment (1641h)

Amend RSA 195-D:4, IV as inserted by section 12 of the bill by replacing it with the following:

IV. The board of directors shall elect one of its members as ~~chairman~~ **chairperson**, another as vice ~~chairman~~ **chairperson**, and shall also elect a secretary, who need not be a member of the board. Four members of the board of directors constitute a quorum, and the vote of ~~[4 members of the board of directors]~~ **a majority of the members constituting a quorum present and voting** is necessary for any action taken by the corporation. A vacancy in the membership of the board of directors of the corporation does not impair the right of a quorum to exercise all the powers and perform the duties of the corporation. *Notwithstanding RSA 91-A or any other law to the contrary, members of the board shall be permitted to participate in meetings by telephone, provided that any board member so participating shall be able to be heard and to hear every other board member participating in the meeting, and unless the board is meeting in nonpublic session pursuant to RSA 91-A:3, shall be able to hear and be heard by all members of the public attending the meeting, and that the meeting is held at a physical location available to the public and identified in the notice of the meeting, and that at least 2 members of the authority are physically present at the meeting. Voting members of the board participating by telephone shall be treated as present at the meeting for all purposes, including the establishment of quorum.*

**SB 212-FN**, requiring the insurance department to develop a plan to address the needs of persons with chronic illnesses and disabilities. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: The bill would have required the Insurance Department to study and report on the unique problems individuals with chronic illnesses and disabilities have

with traditional commercial insurance. The committee recognizes these problems, but acknowledges the Insurance Department's reluctance to undertake the study without the \$150,000 they estimate is needed to complete the study. The bill has no funding mechanism in it. Instead of simply ignoring the issue, the committee will include language under another bill which allows the Department of Health and Human Services to study methods of providing transitional insurance to individuals leaving medicaid and going to work. The committee feels there is enough similarity in the goals of both pieces of legislation to allow this committee report to pass. Vote 12-1.

**HB 746, relative to emergency police assistance. OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: In New Hampshire today there are 9 special reaction teams. Only the State Police team has jurisdiction throughout the entire state. Because of recent history, we felt it was important to provide a vehicle so the other 8 teams could respond to a community in need. HB 746 does just that by including special reaction teams under the provisions of RSA 106-C, Emergency Police Assistance. This statute covers how the call for assistance is made, where the liability for loss, damage or expenses rests and all other contingencies. Presently all these team leaders are meeting with the Attorney General to coordinate training, communication and other related issues. Vote 17-0.

**Amendment (1675h)**

Amend RSA 106-C:1, VII-VIII as inserted by section 1 of the bill by replacing them with the following:

**VII. "Special reaction team" means any distinct unit of a police department or any regional unit comprised of more than one police department organized and equipped for the purpose of responding to critical incident emergencies and whose members have been specially trained to respond to such emergencies.**

**VIII. "Critical incident emergency" means a life threatening incident of major proportions, including, but not limited to, hostage situations, barricaded persons, and situations involving armed persons.**

Amend RSA 106-C:3-a as inserted by section 2 of the bill by replacing it with the following:

106-C:3-a Inter-community Special Reaction Team Assistance for Critical Incident Emergency. The chief executive officer, or such officer's designee, of a police department with the special reaction team or the person designated by the chief executive officers of the member communities of a regional special reaction team as authorized to order the deployment of such regional special reaction team is authorized to assign the special reaction team to extend assistance to any other county or municipality in times of a critical incident emergency. Requests for such assistance shall be made by the chief executive officer, or such officer's designee, of the police department in need of emergency police assistance for a critical incident emergency. Requests for such assistance may also be made by the ranking on-duty state police officer when the state police is coordinating the response to a critical incident emergency and is in need of emergency police assistance, or by the commander of a regional special response team when that team is coordinating the response to a critical incident emergency and is in need of emergency police assistance.

**AMENDED ANALYSIS**

This bill allows the chief officer of a police department with a special reaction team or a person authorized to order deployment of a regional special reaction team to assign the special reaction team to extend assistance to any other county or municipality in times of a critical incident emergency.

**SB 201-FN, reclassifying non-support as a felony under certain circumstances. OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill elevates the penalty for non support from a misdemeanor to a class B felony in cases where the arrearage has remained unpaid for a cumulative period of more than one year, or the amount of the arrearage is more than \$10,000 or the obligor has been previously convicted of non support under this section, or a similar criminal non support offense in another state and the arrearage of support in this state has remained unpaid for a cumulative period of more than one year. In all other cases of non support, it shall be a class A misdemeanor. Vote 18-0.

**Amendment (1677h)**

Amend RSA 639:4, II as inserted by section 1 of the bill by replacing it with the following:

**II. In this section, non-support shall be:**

- (a) A class B felony if the arrearage of support has remained unpaid for a cumulative period of more than one year; or*
- (b) A class B felony if the amount of the arrearage is more than \$10,000; or*
- (c) A class B felony if the obligor has been previously convicted of non-support under this section or if the obligor has been convicted of a similar criminal nonsupport offense in another state and the arrearage of support in this state has remained unpaid for a cumulative period of more than one year; or*
- (d) A class A misdemeanor in all other cases.*

**AMENDED ANALYSIS**

This bill reclassifies non-support as a class B felony where the arrearage has been unpaid for more than one year or is greater than \$10,000, or if the obligor has been previously convicted of a similar criminal nonsupport offense in another state and the arrearage of support in this state has remained unpaid for a cumulative period of more than one year. In all other cases, nonsupport is a class A misdemeanor.

**SB 230, relative to interstate school districts. OUGHT TO PASS**

Rep. Charles Yeaton for Education: This bill establishes procedures for settlement of matters involving teacher certification, high school approval and assessment, so that these several towns in New Hampshire and Vermont may establish an interstate school district for grades kindergarten through 12<sup>th</sup> grade for their communities. Vote 15-0.

**SB 28, relative to food production and distribution and food service licensure. OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy C. Stickney for Executive Departments and Administration: The intent of this bill is to tighten up the procedure to reissuing of a provisional license after revocation. At the present time, beverage manufacturing, food service and retail food store establishments upon losing their license for a violation may reapply immediately for a provisional license and continue to operate for 90 days. This bill as amended requires that a corrective plan and proof of passing a certified food safety course must first be submitted and approved by the Commissioner of Health and Human Services before the new license can be issued. Vote 12-0.

**Amendment (1603h)**

Amend RSA 143:11, I(a) as inserted by section 5 of the bill by replacing it with the following:

**I.(a) Upon receipt of an application in writing from a new beverage manufacturer, or from a beverage manufacturer that has changed ownership, or from a beverage manufacturer which has had its previous license revoked, the commissioner of the department of health and human services [shall] may issue a provisional license, valid for up to 90 days, if the commissioner determines that the applicant's plant is properly equipped and in a sanitary condition and that the products manufactured there are not adulterated or misbranded. Any beverage manufacturer which has had its license revoked shall not be eligible to apply for a provisional license until it (1) presents a plan for the correction of any deficiencies which led to the specific revocation, and (2) passes a food safety class, subsequent to the revocation of the license, which has been certified by the Buros Institution for Assessment, Consultation and Outreach at the University of Nebraska, or a successor organization. In order to fulfill the requirements of this section, the new remedial plan shall first receive the approval of the commissioner. Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.**

Amend RSA 143-A:6, I as inserted by section 8 of the bill by replacing it with the following:

**I. Upon receipt of an application in writing from a new food service establishment or retail food store, or a food service establishment or retail food store which has changed ownership or a food service establishment or retail food store which has had its previous license revoked, the commissioner [shall] may issue a provisional license, valid for up to 90 days, if the commissioner determines that the applicant's plan for operation and facilities are sufficient under rules adopted**

under RSA 143-A:9. *Any food service establishment or retail food store which has had its license revoked shall not be eligible to apply for a provisional license until it (a) presents a plan for the correction of any deficiencies which led to the specific revocation, and (b) passes a food safety class, subsequent to the revocation of the license, which has been certified by the Buros Institution for Assessment, Consultation and Outreach at the University of Nebraska, or a successor organization. In order to fulfill the requirements of this section, the new remedial plan shall first receive the approval of the commissioner. Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.*

### AMENDED ANALYSIS

This bill clarifies procedures relative to sanitary production and distribution of food and food service licensure. The bill establishes procedures for a facility which has had its license revoked before such facility may reapply for a license.

### **SB 83**, relative to the regulation of the practice of veterinary medicine. OUGHT TO PASS WITH AMENDMENT

Rep. Carolyn A. Virtue for Executive Departments and Administration: The amendment clarifies the administrative procedures of the board, licensure by reciprocity, and exempts animal owners and their agents acting as prescribed by a veterinarian from the definition of practice. Vote 14-0.

### **Amendment (1589h)**

Amend RSA 332-B:2 as inserted by section 8 of the bill by inserting after paragraph IX the following new paragraph:

X. An animal owner or their designated agent performing treatment as prescribed by a veterinarian with a valid veterinarian-patient relationship.

Amend RSA 332-B:5 as inserted by section 9 of the bill by replacing it with the following:

332-B:5 Meetings and Duties. The board shall meet at least ~~[once]~~ **6 times** a year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. ~~[Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open and public, except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.]~~ **The quorum and the actions of the board shall be in accordance with RSA 91-A.** At its annual meeting, the board shall organize by electing a president~~[, a secretary-treasurer,]~~ and such other officers as may be prescribed by rule. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall ~~[serve as chairman of the]~~ **preside** at board meetings **and serve as administrative head of the board**. ~~[The duties of the secretary-treasurer shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for license, and keeping a register of all persons currently licensed by the board. All board records shall be open to public inspection during regular office hours. The secretary-treasurer shall give a surety bond to the board in such sum as the board may require by rule, the cost of such bond to be paid by the board.]~~ The ~~[president and secretary-treasurer]~~ **board** shall submit **annually** to the governor a report on the transactions of the board, including an account of monies received and disbursed as shall be required by the state auditors. **Records shall be kept by the administrative assistant pursuant to RSA 91-A:3.**

Amend RSA 332-B:10 as inserted by section 16 of the bill by replacing it with the following:

332-B:10 Examinations. The board shall hold at least one examination during each year and may hold such additional examinations as are necessary. The ~~[secretary-treasurer]~~ **board** shall give public notice of the time and place for each examination at least 90 days in advance of the date set for the examination. A person desiring to take an examination shall make application at least 30 days before the date of the examination. The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools **and familiarity with the law and rules governing veterinary medicine in this state.** To pass the

examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove ~~[himself]~~ *that he or she is* a competent person to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use ~~[the]~~ *a national examination [prepared by the National Board of Veterinary Examiners] as adopted in rules of the board. For purposes of licensure, except by reciprocity, an individual's results from a national examination shall be valid for 5 years from the date of the examination.* After each examination, the ~~[secretary-treasurer]~~ *board* shall notify each examinee of the results of ~~[his]~~ *the* examination, and the board shall issue licenses to the persons successfully completing the examination. The ~~[secretary-treasurer]~~ *board* shall record the new licenses and issue a certificate of registration to the new licensees. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee.

Amend RSA 332-B:14, III (e) as inserted by section 24 of the bill by replacing it with the following:

*(e) By the imposition of civil penalties of up to \$2,000 per violation, or in the case of continuing violations, not more than \$200 per day, whichever is greater.*

Amend RSA 332-B:19, V as inserted by section 31 of the bill by replacing it with the following:

V. In addition to other penalties imposed by this section, a person who practices veterinary medicine without a currently valid license or temporary permit shall be subject to civil penalties assessed by the board in the amount of \$2,000 per violation, or, in the case of continuing violations, \$200 for each day the violation continues, whichever is greater. A person who disputes such an assessment may request a hearing by the board, and any final disposition rendered by the board shall be enforceable as any other civil judgement.

**SB 131-FN-A**, updating the name of the office of vacation travel to the office of travel and tourism in nonconforming RSA section. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carolyn A. Virtue for Executive Departments and Administration: This bill changes the name of the Office of Vacation Travel to the Office of Travel and Tourism Development. Vote 14-0.

#### **Amendment (1646h)**

Amend the title of the bill by replacing it with the following:

AN ACT changing the name of the office of travel and tourism to the office of travel and tourism development, and updating outdated references to the office of vacation travel.

Amend the bill by replacing all after the enacting clause with the following:

1 Change Name of Office of Travel and Tourism to Office of Travel and Tourism Development. Amend the introductory paragraph of RSA 12-A:41, I to read as follows:

1. There is established a New Hampshire film and television commission within the office of travel and tourism *development*, division of economic development, department of resources and economic development. The purposes of the commission shall be:

2 Change From Office of Vacation Travel to Office of Travel and Tourism Development. Amend the following RSA provisions by replacing "vacation travel" with "travel and tourism development": RSA 6:12, I(w); 12-A:1-e, II; 216-A:3-f, III; 230:52, II; and 236:86, II, III, IV, and V.

3 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill changes the name of the office of travel and tourism to the office of travel and tourism development, and also updates outdated references to the office of vacation travel.

**HB 84-FN**, requiring a one year mandatory prison sentence for a third driving while intoxicated conviction. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Finance: This bill would have required a one-year mandatory prison sentence for a third driving while intoxicated conviction. The committee heard testimony that currently many offenders are already tried more than once as a "first offense," and sometimes more than one as a "second offense." The committee amendment replaces the entire bill with a study committee to look at the penalties for driving under the influence of intoxicating liquor or controlled drugs. Vote 23-0.

**Amendment (1346h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the penalties for driving under the influence of intoxicating liquor or controlled drugs in the state, and the education and treatment services available to offenders.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established. There is established a committee charged with studying the penalties for driving under the influence of liquor or controlled drugs in New Hampshire, and the education and treatment services available to offenders.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, at least one of whom shall be from the criminal justice and public safety committee and at least one of whom shall be from the finance committee, appointed by the speaker of the house. The speaker may appoint 3 other members, if deemed necessary, as alternates.

(b) At least 2 but not more than 3 members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall be advised by the following:

(a) The commissioner of safety, or designee.

(b) The commissioner of health and human services, or designee.

(c) The attorney general, or designee.

(d) The director of the New Hampshire police standards and training council, or designee.

(e) The president of the New Hampshire Association of Counties, or designee.

(f) The director of the bureau of substance abuse services, or designee.

(g) The administrative judge of the district court, or designee.

(h) A representative for the victims of impaired driving, appointed by the governor.

(i) A representative from the New Hampshire Association of Chiefs of Police, appointed by the governor.

(j) A representative from the New Hampshire Public Defender Program, appointed by the governor.

3 Duties. The committee shall hear testimony relative to the following: sentence structuring as defined in RSA 265:82-b; court dispositions for first and subsequent offenses throughout the state, including the issues of negotiated dispositions; the number and type of incidents involving drivers under 21 years of age; the effectiveness of the administrative license suspension process; substance abuse programs available for first and subsequent offenders; and the impact that such crime has on citizens of the state. The committee shall also review the types of programs and sentences in other states which have proven effective, as well as alternatives to incarceration designed to reduce repeat offenses. The committee shall examine whether the current DWI sentencing structure provides the type of punishment, deterrence and treatment needed to reduce the incidences of DWI in the state and shall make recommendations concerning how to more effectively achieve these goals.

4 Chairpersons; Voting Members. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

6 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes a committee to study the penalties for driving under the influence of intoxicating liquor or controlled drugs in the state, and the education and treatment services available to offenders.

**SB 197-FN-A**, establishing a pilot program for opioid agonist therapy of addiction and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andre Martel for Health, Human Services and Elderly Affairs: The general court desires to respond to the needs of its citizens who are addicted to heroin and who require access to effective

and appropriate treatment. A state substance abuse treatment delivery study committee was established in 1998, RSA 247, to study the needs of New Hampshire citizens who were addicted to heroin. This committee has been ongoing since 1998. The Health & Human Services and Elderly Affairs Committee amended SB 197-FN-A to add to this study committee the possibility of the establishment and the potential funding mechanisms for such a pilot program. Vote 16-1.

#### Amendment (1627h)

Amend the title of the bill by replacing it with the following:

AN ACT adding a duty to the committee to study the state substance abuse treatment delivery system.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court desires to respond to the needs of citizens who are addicted to heroin and who require access to effective and appropriate treatment. Therefore, the general court hereby requires the study of the feasibility of establishing a pilot program for opioid agonist therapy of addiction.

2 Duty Added. Amend 1998, 247:3 to read as follows:

247:3 Duties. The committee shall study the services provided by the department of health and human services under the state substance abuse treatment delivery system. *The committee shall also review the feasibility of establishing a pilot program for opioid agonist therapy of addiction and recommend the number of sites, types of locations, treatment modalities and the funding mechanisms for such pilot program.*

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill requires the committee studying the state substance abuse treatment delivery system to study the feasibility of establishing a pilot program for opioid agonist therapy of addiction.

**SB 223-FN-A**, establishing a wellness and primary prevention council and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara French for Health, Human Services and Elderly Affairs: This bill establishes a wellness and primary prevention council for the purpose of encouraging, promoting and coordinating wellness and primary prevention services statewide. The appropriation has been removed. The goal of this bill is to coordinate all of the services now existing separately to serve families, to help them learn from each other, to have all state agencies and departments involved with children and families working together and to help identify funding for these purposes. Vote 18-0.

#### Amendment (1654h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a wellness and primary prevention council.

Amend RSA 126-M:3, 1 as inserted by section 1 of the bill by replacing it with the following:

1. There is hereby established a wellness and primary prevention council which shall consist of 17 members as follows:

(a) Four members appointed by the governor, at least one of whom shall be an approved service provider and one of whom shall be a medical provider.

(b) One member of the house of representatives, appointed by the speaker of the house.

(c) One member of the senate, appointed by the senate president.

(d) Four members appointed by the governor from geographically distinct family resource centers, at least 2 of whom shall be parents or consumers and one who shall be the director of a family resource center.

(e) The commissioner of health and human services, or designee.

(f) The commissioner of the department of education, or designee.

(g) The administrative judge of the district court, or designee.

(h) The attorney general, or designee.

(i) One member who is a representative of the governor's Kids' Cabinet, appointed by the governor.

(j) Two members representing county government, one of whom shall be a human services administrator, appointed by the New Hampshire Association of Counties.



Amend RSA 126-M:4 as inserted by section 1 of the bill by replacing it with the following:

126-M:4 Duties. The council shall facilitate the development and delivery of wellness and primary prevention services by:

I. Identifying, redirecting, and developing appropriate federal, state, and private funding sources to ensure to the extent possible that:

(a) Existing family resource centers and other community programs providing wellness and primary prevention services for families and children are able to continue to provide quality programs, develop mechanisms to collaborate with each other, and monitor progress in their ability to promote the health and development of the families and children in their communities; and

(b) Communities wishing to develop similar programs and collaborations receive access to technical assistance and available funding from appropriate members of the public and private sector.

II. Assisting in the transmission of state and federal funds which are designated to be utilized in addressing issues related to the well being of families and children in communities. The council may, among other things, assist executive branch agencies in contracting with family resource centers and other community programs to provide wellness and primary preventive services.

III. Assessing, in partnership with agencies that work in cooperation with community-based family resource centers, the current statewide status and providing ongoing monitoring of the availability of family resource centers and other community programs providing wellness and primary prevention services.

IV. Compiling and reviewing research, statistical data, and other relevant information from sources within New Hampshire and around the country for purposes of advising the 3 branches of government with respect to issues confronting children and families in New Hampshire. This would include, but not be limited to, demographic data, vital statistics, "Kids Count" data school system data, case data from the courts, the department of health and human services, the department of education and other executive branch departments, expense information related to services and programs provided to children and families, crime records, and university research.

V. Working with existing organizations and other relevant state and private entities to develop new, and where appropriate, enhance existing mechanisms for program quality assurance, technical assistance in program development, and community databases that can be used by local communities to monitor progress toward their established goals.

VI. Serving as an institutional forum and catalyst for the discussion of issues relating to children and families through seminars, forums, special studies, and other means within the limits of available state, federal, and private funding.

VII. Providing information and recommendations to the general court, governor, and executive branch departments, the courts, and other public officials, departments or agencies concerning the status and condition of children and families.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as section 2.

### AMENDED ANALYSIS

This bill establishes a wellness and primary prevention council for the purpose of encouraging, promoting, and coordinating wellness and primary prevention services statewide.

**SB 189-FN**, relative to the establishment of a civil rights act. **OUGHT TO PASS WITH AMENDMENT**  
Rep. James W. Craig for Judiciary: This bill provides the state's attorney general with a civil remedy to combat acts of actual or threatened physical force or violence or actual or threatened damage to, or trespass on property when such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, gender, or disability. When the attorney general proves a violation by clear and convincing evidence, the highest civil burden of proof, injunctive relief is available including a civil penalty of up to \$5,000 per violation. The bill applies to minors but provides them with confidentiality. The bill provides for criminal penalties for violations of injunctions issued. The amendment addressed (1) the confidentiality of minors charged under this statute, (2) it raised the burden of proof necessary to prove a violation of this statute, (3) lowered the civil penalty from \$10,000 to \$5,000, and (4) capped the length of any injunction granted to 3 years, unless extended by the courts.  
Vote 17-0.

**Amendment (1611h)**

Amend the bill by replacing section 1 with the following:

1 New Chapter; Civil Rights Act. Amend RSA by inserting after chapter 354-A the following new chapter:

**CHAPTER 354-B  
CIVIL RIGHTS ACT****354-B:1 Civil Rights Enforcement.**

I. All persons have the right to engage in lawful activities and to exercise and enjoy the rights secured by the United States and New Hampshire Constitutions and the laws of the United States and New Hampshire without being subject to actual or threatened physical force or violence against them or any other person or by actual or threatened damage to or trespass on property when such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, gender, or disability. "Threatened physical force" and "threatened damage to or trespass on property" is a communication, by physical conduct or by declaration, of an intent to inflict harm on a person or a person's property by some unlawful act with a purpose to terrorize or coerce.

II. It shall be unlawful for any person to interfere or attempt to interfere with the rights secured by this chapter.

**354-B:2 Civil Action by Attorney General.**

I. Whenever the attorney general has probable cause to believe that any person has violated any provision of this chapter, the attorney general may bring a civil action for injunctive or other appropriate equitable relief.

II. The civil action brought by the attorney general shall be filed in the superior court or, in the case of a child under the age of 17, either in superior court or the district court in the county or judicial district where the alleged violator resides or where the alleged conduct occurred. In the case of a child under the age of 17, all such proceedings shall be confidential.

III. Testimony given during civil proceedings held under this chapter by a person alleged to have violated any provision of this chapter shall not be admissible in a criminal proceeding against that person when the criminal proceeding is based on the same event.

IV. In a civil action brought under this chapter, the attorney general shall have the burden of proving the violation by clear and convincing evidence.

**354-B:3 Remedies.** Each violation of this chapter is a civil violation for which the court may impose any of the following:

I. A civil penalty of not more than \$5,000 for each violation.

II. Such appropriate injunctive relief as the court may deem necessary to prevent continued violation of this chapter or to protect lawful exercise of these rights secured by this chapter.

III. Other equitable relief, including restitution to any person damaged by the violation. For the purposes of this paragraph "restitution" means out-of-pocket expenses incurred by the person damaged by the violation to the extent not covered by other sources.

IV. Nothing in this section shall limit the right of the person damaged by the violation to pursue any other appropriate cause of action.

**354-B:4 Violation of Civil Injunction, Criminal Penalty.**

I. A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this chapter shall be guilty of a class A misdemeanor.

II. Each temporary restraining order or preliminary or permanent injunction issued under this chapter shall include a statement describing the penalties provided in this chapter for knowing violation of the order or injunction. Any combination of injunctions issued under this chapter shall be for a total period of time not to exceed 3 years but may be extended by order of the court upon motion by the attorney general.

III. The clerk of the appropriate court shall transmit one certified copy of each order or injunction issued under this chapter to the appropriate law enforcement agency having jurisdiction over the location where the defendant is alleged to have committed the act giving rise to the action and to the law enforcement agency where the defendant resides, if different.

IV. All actions brought under this chapter shall have priority in the court scheduling in the court in which the action is brought. Superior court rules relative to temporary restraining orders and injunctions shall apply in actions brought in district courts under this chapter.

354-B:5 Applicability to Persons Under the Age of 17. Notwithstanding any other provision of law, an action may be brought in superior court against a person under the age of 17 under this chapter. All provisions of this chapter shall apply to such actions.

354-B:6 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

**SB 209-FN-L**, establishing a study committee on certain matters concerning superior court justices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Rowe for Judiciary: The committee unanimously supported the idea of studying the possibility of establishing an appellate division of the courts utilizing superior court justices. The amendment required the three members of the Senate and the three members of the House to be members of the Judiciary Committees, respectively. The amendment further set the reporting date of the study to Feb. 15, 2000. Vote 16-0.

#### **Amendment (1615h)**

Amend paragraph 1 of section 2 of the bill by replacing it with the following:

1. The members of the committee shall be as follows:

(a) Three members of the senate, who shall be members of the judiciary committee, appointed by the president of the senate.

(b) Three members of the house of representatives, who shall be members of the judiciary committee, appointed by the speaker of the house.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before February 15, 2000.

**SB 32**, relative to an employer exemption under the unemployment compensation laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: The committee heard conflicting testimony on the application of tests used to determine whether or not someone is an independent contractor. It was the desire of the majority to support the bill as passed by the Senate but also to amend the bill by adding a joint study committee of House and Senate members. It is our intent that the study committee reviews not only the definitions and treatment of independent contractor under Department of Employment Security (DES) statutes but any other aspect of DES law as well. Vote 15-2.

#### **Amendment (1606h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** exempting employers of certain part-time contractors from providing unemployment compensation, and establishing a study committee to analyze ways to reconcile inconsistencies within the statutes with regard to independent contractors.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Exception to the Term Employment. Amend RSA 282-A:9, IV by inserting after subparagraph (v) the following new subparagraph:

(w) Service performed by an individual who, on a temporary, part-time, contract basis, demonstrates products, offers samples of products or promotional materials to customers, conducts store audits or performs mystery shopping as part of an advertising or sales promotion for the products when such activities are conducted in the field or over the telephone on premises not used or controlled by the person for whom such contract services are being provided.

2 Committee Established. There is established a committee to review the inconsistencies within the state's statutes dealing with independent contractors.

3 Membership and Compensation.

1. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall review the inconsistencies within the state's statutes concerning definitions for and treatment of independent contractors, and other matters related thereto.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

7 Effective Date.

I. Section 1 of this act shall take effect January 1, 2000.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill exempts employers of certain part-time contractors from providing unemployment compensation, and provides for the establishment of a study committee to conduct an analysis of ways to reconcile inconsistencies within the statutes with regard to independent contractors.

### REGULAR CALENDAR – Part I

#### SUSPENSION OF RULES

Reps. Chandler and Burling move that Rule 48 (a) be suspended as to permit consideration at the present time of **HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000, and June 30, 2001.

Adopted by the necessary two-thirds.

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000, and June 30, 2001. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Neal M. Kurk for the Majority of Finance: This bill is the state's budget for the next two fiscal years. It contains virtually no cuts in spending from last year's levels. As our rules require, it is a balanced budget that provides \$5.4 billion from all funds, including \$2.1 billion in general funds, to meet the state's responsibilities. Those responsibilities include general government, health and human services, justice and public protection, environmental services, transportation, and education. As those responsibilities have increased, the budget has increased. General fund spending for the next biennium is up 6.7% over current spending. In the first year, total general fund appropriations are \$1.037 billion, up 3.9% or about \$40 million over current spending levels.

This budget is a "live within your means" budget. It not only meets our traditional responsibilities but also fulfills our education obligations. It closes the so-called \$90 million Claremont gap, and it does so without new or additional taxes.

Some highlights of the budget: (1) Almost all agencies and programs are level-funded or receive increased funding. (2) Funding for the so-called 27<sup>th</sup> pay period and for step increases is provided for all state employees except unclassified employees and judges. (3) Provider payments for Medicaid-eligible individuals are funded at higher levels than in the governor's budget. (4) Health and Human Services (HHS) is required to make personnel reductions to recognize the significant investments in computers recently made by the state. (5) A \$7 million discretionary fund has been provided for the commissioner of the Department of Health and Human Services to use in meeting critical technology and direct service needs in excess of the levels funded in this budget. (6) The Berlin prison is fully funded to open as scheduled. (7) Transportation needs are fully funded. (8) The University System is level-funded. (9) The Youth Development Services budget reflects reductions designed to force down its \$300+ daily rate, of which counties pay 25%. (10) Cities and towns receive nearly \$40 million in additional aid. The local share of meals and rooms tax and revenue sharing are fully funded. (11) Retired state employees health insurance premiums are fully funded. (12) Funding is increased for settlement services, including foster care, residential and social and legal services. (13) The Children's Health Insurance Plan (CHIP) is funded from non-general funds. (14) Catastrophic aid for special education is fully funded. (15) Building aid is fully funded. (16) Unlike the governor's bud-

get, over \$2 million in food stamp repayments to the federal government are recognized. (16) The general fund match is provided in those areas that have high federal match rates, such as domestic violence and juvenile justice.

There are increases contained in this budget, but they are not as large as those proposed in the governor's budget. They are, however, sufficient to provide essential services to the state's most vulnerable populations. They are also sufficient to fulfill our education funding requirements without imposing additional taxes on our citizens. The governor's budget does not do this. Consequently her budget is not a balanced budget; this budget is. Vote 15-10.

Rep. Mary Jane Wallner for the Minority of Finance: We believe that the enormous cuts from the governor's budget leave New Hampshire's most vulnerable populations with decreased essential services. The governor's budget was funded at a 3% increase, close to inflation despite the fact that many of the costs of programs for Health and Human Services have risen far above the inflation rate. The Finance budget includes massive cuts in most areas of the HHS budget and include but are not limited to the following:

- over \$400,000 cut to programs to test sexually transmitted diseases, including HIV/AIDS which will greatly increase the chance of these diseases being spread; equipment maintenance for labs machines which can lead to faulty diagnosis of communicable diseases and unreliable testing for DWI violations which can then be challenged in court

- \$36,000 eliminated from newborn screening for metabolic and genetic disorders for 990 infants. This testing detects preventable illnesses that if not treated could lead to a lifetime disability, which in addition to human costs, the state will be paying for over the life of the individual.

- \$154,000 not funded which would improve dental access to seven community-based dental clinics for children's dental care.

- \$144,000 cut for 93 chronically ill children who will not be able to attend clinics for amputees, feeding or swallowing, and other essential education programs for some of the most vulnerable of NH's children who have no other access to care.

- cuts of \$131,000 cutting the purchase of cameras and recorders required by law to tape record all child abuse investigations including recording signs of physical trauma.

- in FY01, due to a cut of \$419, 000, 50 abused or neglected children will not receive counseling, foster care, or family support services. The budget does not allow for expected increases in children and youth needing services. In the same year, the budget cuts the rate increases for providers whose fixed costs cannot be met without increases for inflation. This has already created great difficulties in hiring and maintaining personnel.

- Drastic cuts would eliminate 24 child protective workers, resulting in 1600 children not being assessed for abuse or neglect in a timely way. 11 Juvenile service officers would also be cut, making caseloads of over 100 per staff. This eliminates any supervision and reduces monitoring of the delinquents, resulting in higher rates of recidivism and compromising community safety.

- \$11million has been cut from the Community Mental Health System. 3506 children will have their medicaid services limited. 1780 children at risk for serious emotional disturbance will be eliminated as eligible for services. This will increase admissions to NH Hospital, although its capacity has also been cut.

- \$6½ million reduction in Developmental Disabilities services will result in approximately 185 individuals on the Developmental Services Priority Wait List in FY 2000 and a projected 70 individuals in FY 2001 not receiving services. The priority wait list is composed of individuals whose need places them at imminent risk of substantial physical or emotional harm or significant regression.

This budget proposes eliminating rate increases for providers of home care, homemakers, adult group day care, respite care, home-delivered and congregate meals to frail elderly living in the community. The budget also eliminates home-delivered meals to 142 homebound elderly, causing many of them to be at risk of needing nursing home admission.

Nursing Services are reduced by \$6 million in FY 2000 and \$13.3 million in FY 2001. The legislature's mandate to develop home and community-based options for elders are undermined by this budget proposal. In addition to limiting choice for elders, the cuts reduce the overall dollars available. Every general fund dollar eliminated results in the loss of three other dollars that support New Hampshire citizens in their homes and communities.

The Finance Committee divides the operating budget into three parts and assigns each part to a permanent sub-committee called a division. When the division completes its review it recommends action to the full committee where the final budget document is produced.

Few cuts were made to the portion of the budget reviewed by Division I. However, when the full committee met it slashed the budgets of the major agencies across the board by 1% in '00 and 2% in '01. Included in the Division I budget scrutiny is the Liquor Commission, Department of Resources and Economic Development, Department of Environmental Services, and the Department of Corrections, among others. Division I budgets were reduced by a total of \$19,000,000.

Division II is responsible for all levels of education from kindergarten through the University System. In the year that New Hampshire labored to provide equal educational opportunities to all its children, the operating budget for education at all levels was decimated. In elementary and secondary education the following cuts to HB 1 took place:

Reading Recovery in 65 school districts – eliminated;

Regional vocational center tuition and transportation 77 school districts – reduced;

Best Schools Initiative - eliminated;

Assistance in using assessment results – eliminated;

Adult Basic Education - 29 local programs denied growth opportunities.

In addition, receipt of \$66,000,000 in federal funds has been put in jeopardy by not funding Hearing Record production and reducing the line item for state testing.

Our Voc-Tech Community Colleges will be forced to raise tuition that is already the highest in the country and the quality and breadth of existing programs will be diminished.

For the last decade appropriations to the University System budget not only have failed to keep pace with the CPI, state support for the number of in-state students actually declined. No support at all was provided for the additional 2,446 New Hampshire students enrolled in that time period. Either tuition must be increased or the number of in-state students decreased, or both, to live within a level funded budget.

This list of cuts represents only a sample of the devastation wreaked on all segments of the budget. The minority feels it is not only cruel but also irresponsible to squeeze services to citizens of New Hampshire in order to fund the Claremont decision.

### **Amendment (1657h)**

This amendment was printed in its entirety in House Record No. 65, June 18, 1999 and is made part of this Journal by reference.

Reps. Kurk and Chandler spoke in favor.

Reps. Wallner, Millham, Vaughn, Almy and Hager spoke against.

Reps. Weyler and Belvin spoke in favor and yielded to questions.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the majority amendment.

### **YEAS 153 NAYS 197**

#### **YEAS 153**

#### **BELKNAP**

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph

Boris, Thomas  
Lawton, David  
Thomas, John

Boyce, Robert  
Lawton, Robert  
Wendelboe, Francine

Holbrook, Robert  
Rice, Thomas

#### **CARROLL**

Babson, David, Jr  
Kenney, Joseph  
Sullivan, P Judith

Bradley, Jeb  
Lyman, L Randy  
Torresen, Gary

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

#### **CHESHIRE**

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

Royce, H Charles

#### **COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Harmon, Hobart  
Weber, Phil

Alger, John  
Eaton, Stephanie  
Hinman, Harry

Brothers, Richard  
Gilman, G Michael  
MacNeil, Allen

Cobb, John  
Hall, David  
Marshall, Gene

**HILLSBOROUGH**

Andrews, Frederick  
Belvin, William  
Carlson, Donald  
Coughlin, Pamela  
Desrosiers, William  
Fletcher, Richard  
Goulet, Maurice  
Jean, Loren  
Lessard, Rudy  
McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Reeves, Sandra  
Wall, Nancy

Arnold, Thomas, Jr  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Dyer, Merton  
Flora, Kathleen  
Hansen, Herbert  
Kurk, Neal  
Lozeau, Donnalee  
McGough, Tim  
Moran, Edward  
Ouellette, Dean  
Rowe, Robert  
White, Donald

Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Emerton, Lawrence  
Ford, Nancy  
Herman, Keith  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McRae, Karen  
Mosher, William  
Pappas, Marc  
Tate, Joan  
Withee, Dennis

Beaupre, Roland  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Desmarais, Vivian  
Fenton, James  
Gagnon, Eugene  
Hunter, Bruce  
LaRose, Richard  
Martel, Andre  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Lavoie, Gerard  
Soltani, Tony

Hess, David  
Leber, William  
Whalley, Michael

Kennedy, Richard  
Marple, Richard

Larrabee, David, Sr  
Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew, Jr  
Dolan, Richard  
Flanders, John, Sr  
Katsakiores, George  
Major, Norman  
Morse, Charles  
Packard, Sherman  
Stone, Joseph  
Weare, Everett

Beaulieu, Jon  
Clark, Vivian  
Dunham, Vivian  
Grant, Kenneth  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Mary Lou  
Raynowska, Bernard  
Stritch, C Donald  
Welch, David

Belanger, Ronald  
Cox, Russell  
Fesh, Robert  
Griffin, Mary  
Langley, Jane  
Mikowski, Walter  
Nowe, Ronald  
Ruffner, Walter  
Tufts, J Arthur  
Weyler, Kenneth

Bishop, Franklin  
Dalrymple, Janeen  
Flanders, David  
Henderson, Warren  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Stickney, Nancy  
Varrell, Thomas  
Zolla, William

**STRAFFORD**

Cossette, Larry

Woods, Phyllis

**SULLIVAN**

Kibbey, David

**NAYS 197****BELKNAP**

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

**CARROLL**

Dickinson, Howard

Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin

Batchelder, Robert  
Doucette, Richard

Blaisdell, Michael  
Lerandeau, Alfred

Burnham, Daniel  
Lynch, Margaret

Lynott, Margaret  
Mitchell, McKim  
Riley, William

Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

McGuirk, Paul  
Pratt, John  
Russell, Ronald

Meador, David  
Richardson, Barbara  
Zerba, Roger

### COOS

Hawkinson, Marie

Landers, Dana

Mears, Edgar

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Ham, Bonnie  
Phinney, William

Copenhaver, Marion  
Johnson, Gary  
Solow, Martha

Densmore, Jessica  
LaMott, Paul  
Ward, Brien

Guest, Robert  
Nordgren, Sharon

### HILLSBOROUGH

Ahern, Richard  
Bergin, Peter  
Cote, David  
Durham, Susan  
Franks, Suzan  
Gorman, Mary  
Herman, Richard  
Konys, Christine  
Leonard, Peter  
McDonough-Wallace, Alice  
Moriarty, Mary  
Peterson, Andrew  
Turgeon, Roland

Arthur, Rose  
Buckley, Raymond  
Cote, Peter  
Dwyer, Paul, Sr  
Garrish, Linda  
Haettenschwiller, Alphonse  
Holley, Sylvia  
LaPorte, George  
Lynde, Harold  
Melcher, Harold  
Murphy, Robert  
Reidy, Frank  
Vaillancourt, Steve

Baroody, Benjamin  
Burkush, James  
Craig, James  
Fields, Dennis  
Ginsburg, Ruth  
Haley, Robert  
Johnson, Lionel  
Lasky, Bette  
Martin, Mary  
Mendenhall, Leslie  
O'Connell, Timothy  
Sarette, John  
White, John

Bergeron, Lucien  
Clemons, Jane  
Drabinowicz, A  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
Leishman, Peter  
McDonald, James, Sr  
Messier, Irene  
Perkins, Paul  
Simon, Anthony  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Hoadley, Elizabeth  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Brewster, Richard  
Davis, Francis  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Cooney, Richard  
Flanagan, Natalie  
Hutchinson, Rebecca  
Kobel, Rudolph  
O'Keefe, Patricia  
Putnam, Ed, II  
Shultis, Elizabeth

Blanchard, MaryAnn  
Dearborn, Bruce  
Francoeur, Sheila  
Johnson, Robert  
Langone, John  
O'Neil, Michael  
Quandt, Marshall  
Splaine, James

Case, Margaret  
DiFruscia, Anthony  
Gibbons, Paul  
Kane, Cecelia  
Lovejoy, Marian  
Pantelakos, Laura  
Rubin, George  
Vaughn, Charles

Clark, Martha  
Downing, Michael  
Hutchinson, Karen  
Kelley, Jane  
Norelli, Terie  
Pitts, Jacqueline  
Sapareto, Frank  
Whittier, John

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Gilmore, Gary  
Keans, Sandra  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

Bickford, David  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph

Brown, George  
Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Rollo, Michael  
Spear, Barbara  
Vachon, Dennis



**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	McIntyre, Sara
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

and the majority amendment failed.

Rep. Turner declared a conflict of interest and did not participate.

Rep. Burling offered a floor amendment (1715h).

**Floor Amendment (1715h)**

This floor amendment was printed in its entirety in House Record No. 66, June 21, 1999 and is made part of this Journal by reference.

Reps. Burling, Carol Moore and Jacobson spoke in favor.

Rep. Wendelboe spoke against and yielded to questions.

Reps. Larrabee and Henderson spoke against.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the Burling floor amendment.

**YEAS 189 NAYS 165****YEAS 189****BELKNAP**

Millham, Alida	Pilliod, James	Salatiello, Thomas	Wood, Jane
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**CARROLL**

Dickinson, Howard	Philbrick, Donald
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**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

**COOS**

Hawkinson, Marie	Landers, Dana	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Ham, Bonnie	Johnson, Gary	LaMott, Paul	Nordgren, Sharon
Phinney, William	Solow, Martha	Ward, Brien	

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Bergin, Peter	Buckley, Raymond	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis
Foster, Linda	Franks, Suzan	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Herman, Richard	Holley, Sylvia	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lynde, Harold	Martin, Mary
McCarthy, William	McCarty, Winston	McDonald, James, Sr	McDonough-Wallace, Alice
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary
Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy	Perkins, Paul
Peterson, Andrew	Reidy, Frank	Sarette, John	Sargent, Maxwell
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Brewster, Richard  
Davis, Francis  
French, Barbara  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
Cooney, Richard  
Gibbons, Paul  
Kelley, Jane  
O'Keefe, Patricia  
Shultis, Elizabeth

Blanchard, MaryAnn  
Dearborn, Bruce  
Hutchinson, Rebecca  
Langone, John  
Pantelakos, Laura  
Splaine, James

Case, Margaret  
Downing, Michael  
Johnson, Robert  
Lovejoy, Marian  
Pitts, Jacqueline  
Vaughn, Charles

Clark, Martha  
Flanagan, Natalie  
Kane, Cecelia  
Norelli, Terie  
Sapareto, Frank

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Spear, Barbara  
Vachon, Dennis

Brown, George  
Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

Callaghan, Frank  
Gilmore, Gary  
Keans, Sandra  
Musler, George  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

**SULLIVAN**

Allison, David  
Flint, Gordon, Sr  
Phinizy, James

Burling, Peter  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Leone, Richard  
Tuthill, John

Donovan, Thomas, Jr  
McIntyre, Sara  
Wiggins, Celestine

**NAYS 165****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph

Boriso, Thomas  
Lawton, David  
Thomas, John

Boyce, Robert  
Lawton, Robert  
Turner, Robert

Holbrook, Robert  
Rice, Thomas  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr  
Kenney, Joseph  
Torressen, Gary

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Sullivan, P Judith

**CHESHIRE**

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

Royce, H Charles

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Weber, Phil

Alger, John  
Eaton, Stephanie  
MacNeil, Allen

Brothers, Richard  
Hall, David  
Marshall, Gene

Cobb, John  
Harmon, Hobart  
Mirski, Paul

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Emerton, Lawrence	Fenton, James	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Gagnon, Eugene	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Hunter, Bruce	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McGough, Tim
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Rowe, Robert	Tate, Joan
Thulander, O Alan	Wall, Nancy	White, Donald	Withee, Dennis

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Hess, David	Hoadley, Elizabeth
Kennedy, Richard	Larrabee, David, Sr	Lavoie, Gerard	Leber, William
Marple, Richard	Nichols, Avis	Soltani, Tony	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew, Jr	Clark, Vivian	Corbin, C David
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Dolan, Richard
Dunham, Vivian	Fesh, Robert	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Grant, Kenneth	Griffin, Mary	Henderson, Warren
Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Putnam, Ed, II	Quandt, Marshall	Raynowska, Bernard	Rubin, George
Ruffner, Walter	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Weare, Everett	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

**STRAFFORD**

Bickford, David	Cossette, Larry	McKinley, Robert	Woods, Phyllis
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**SULLIVAN**

Kibbey, David

and the Burling floor amendment (1715h) was adopted.

The question now being the adoption of the majority report.

On a division vote, 193 members having voted in the affirmative and 161 in the negative, the majority report was adopted.

Ordered to third reading.

Rep. Gilman declared a conflict of interest and did not participate.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Reps. Boyce, Wendelboe, Loren Jean and Dalrymple requested that their protest be entered on the Journal.

I (we) have voted against the budget bill, House Bill 1, as amended. This is not a balanced budget. This budget is irresponsible in that it does not include funds to cover the shortfall in the House Bill 117, Claremont resolution. To pass a budget without the funds to cover the appropriation is in clear violation of the balanced budget requirement voted into law last year.

## RECONSIDERATION

Having voted with the prevailing side, Rep. Hager moved that the House reconsider its action whereby it ordered to third reading **HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000 and June 30, 2001, and spoke against.

Reconsideration failed.

## RECESS

(Speaker Sytek in the Chair)

### REGULAR CALENDAR – PART I (CONT'D.)

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Neal M. Kurk for the Majority of Finance: This is the companion or trailer bill to HB 1, the biennial budget. It contains necessary statutory changes to allow HB 1-A to be executed appropriately. Other provisions: (1) The 25c tobacco tax increase passed by the House but not by the Senate is re-adopted. (2) The state guarantee on Pease Development Authority bonds was reduced from \$60 to \$35 million at the PDA's suggestion. (3) An eighth House member is added to the Joint Committee on Employee relations to re-establish parity to the number of House and Senate members. (4) Several study committees are established. (5) Several salary classification changes were made. (6) Should HB 245, relative to fees and appropriations to the division of safety services, become law, boating-related fees would revert to their current status. (7) Prior approval by governor and council of out-of-state trips by state officials is repealed to make it easier for agencies to do their jobs. Vote 14-11.

Rep. Mary Jane Wallner for the Minority of Finance: The minority disagrees with many of the provisions in HB 2 as amended. The amended version contains language which directs the Commissioner of Health and Human Services to reduce the department's personnel lines by 1% in FY 2000 and 2% in FY 2001. This is to reflect efficiencies in the department because of technology, but in the budget bill technology support was cut \$2½ million each year. Also in the budget bill the commissioner was required to cut \$4.5 million each year out of the personnel lines.

The bill also provides a mechanism for not paying unclassified state employees, judges and retired judges the 27<sup>th</sup> pay period. This will be done by taking their annual salary and dividing by 27 pay periods instead of 26 pay periods.

An additional \$8.4 million of surplus that would have gone by law to the Rainy Day Fund and the Health Care Transition Fund would go to the Education Trust Fund.

The minority was concerned that numerous other items in the bill bypass the usual legislative process.

### Amendment (1655h)

Amend the bill by replacing all after the enacting clause with the following:

1 Intent. The purpose of this bill is to make those changes to the general laws necessary to effectuate the intent of the operating budget, but which are prohibited from being included in the operating budget by Part II, Article 18-a of the New Hampshire Constitution.

2 Budget Surplus; Transfer to Education Trust Fund. Notwithstanding RSA 9:13-e, any general fund undesignated surplus for the fiscal year ending June 30, 1999 up to \$28,400,000 shall be transferred to the education trust fund established pursuant to RSA 198:39. Any general fund undesignated surplus in excess of \$28,400,000 shall be transferred according to RSA 9:13-e.

3 Payments for Fiscal Year 2000; Unclassified Positions and Full-time and Retired Judges. Unclassified positions and persons who are full-time or retired judges shall receive their annual salary or retirement benefits in 27 biweekly installments during fiscal year 2000. For fiscal year 2000, the annual salary or retirement benefits shall be divided by 27 and the result shall be the gross wages or retirement benefits paid to said employees or judges for each biweekly installment. All persons employed in such unclassified positions or persons who are full-time or retired judges shall be notified of the provisions of this section pursuant to RSA 275:49, II.

4 Department of Health and Human Services. Reports of Productivity Gains from Investments in Information Technology; Positions.

I. The commissioner of health and human services shall develop criteria for measuring the productivity gains which the department of health and human services has realized from the state's investments in computers and other information technologies. The commissioner shall submit such criteria to the fiscal committee for approval.

II. Following approval of the criteria by the fiscal committee, the commissioner of health and human services shall submit a quarterly report on the department's productivity gains realized from the state's investments in computer and information technologies, based on such criteria, to the fiscal committee for its approval. The first quarterly report shall be issued on or before September 30, 1999.

III. After approval by the fiscal committee the department shall forward a copy of each quarterly report to the house finance committee, the senate finance committee, and the governor and council.

IV. In order to reflect the efficiencies of the recent, significant state investment in computers and other technologies, the commissioner of health and human services shall convert an amount of department of health and human services' funded positions to unfunded positions for which salaries and benefits total one percent of the department's total general fund appropriations for salaries and benefits in fiscal year 2000 and 2 percent of the department's total general fund appropriations for salaries and benefits in fiscal year 2001.

V. The provisions of this section shall not apply to boards which are administratively attached to the department of health and human services.

5 Pharmaceutical Formularies; Report Required. Notwithstanding the provisions of RSA 126-A:3, V, the commissioner of the department of health and human services shall develop formularies for pharmaceuticals, including all legend and non-legend drugs, paid for by provider payments. The commissioner shall, no later than September 1, 1999, submit a report to the fiscal committee containing all pharmaceutical formularies developed as of the date of the report, and the status and progress of any formularies not yet developed.

6 Personnel Groups. Amend RSA 94:1-a by:

I. Deleting in group N: Labor commissioner

II. Deleting in group K: Deputy labor commissioner

III. Inserting in group R: Labor commissioner

IV. Inserting in group P: Deputy labor commissioner

7 Applicability of Salary Classifications. The labor commissioner, on the effective date of section 6 of this act, shall be placed at the minimum salary in group R. The deputy labor commissioner, on the effective date of section 6 of this act, shall be placed at the minimum salary in group P.

8 Allocation of Funds; Department of Health and Human Services.

I.(a) Notwithstanding the provisions of RSA 167:94-97, the sum of \$3,000,000 or the amount accumulated in the long term care assistance fund as of June 30, 1999, whichever is greater, shall be transferred to the department of health and human services for use in the fiscal biennium ending June 30, 2001.

(b) In addition to the sums appropriated to the department of health and human services by section 1 of 1999 HB 1-A, there is hereby further appropriated for the biennium ending June 30, 2001 the sum of \$4,000,000. The governor is authorized to draw a warrant for said sum from funds not otherwise appropriated.

II. The commissioner of the department of health and human services is authorized to allocate the funds transferred and appropriated in paragraph I to provide additional information technologies and direct services where case loads or costs have increased beyond the levels provided for in the commissioner's budget for reasons beyond the control of the department. In allocating these funds, the commissioner shall consider, among other things, maximization of matching funds and meeting maintenance of effort requirements. These funds shall not be used directly or indirectly, by substitution, transfer, or otherwise, for any other purpose.

III. The commissioner of the department of health and human services shall notify the fiscal committee of the general court of the planned allocation of the funds transferred in paragraph I. If the committee does not object to such allocation within 10 days of receipt of the plan, then the commissioner of the department of administrative services shall cause the funds to be so allocated.

9 Addition to Personnel Group. Amend RSA 94:1-a by inserting in group N:

Warden, lakes region facility, department of corrections

Warden, Northern New Hampshire Correctional Facility, department of corrections

10 Applicability of Salary Classifications. The warden of the Northern New Hampshire Correctional Facility (formerly the Berlin prison facility) on the effective date of this act shall become the unclassified warden at step 4 in group N. The warden of the lakes region facility on the effective date of this act, shall be placed in the unclassified salary step 4 in group N.

11 Pease Development Authority Bonds; Comprehensive Development Plan Required; Bond Guarantee Amount Reduced. Amend RSA 12-G:27-b, I to read as follows:

I. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air Force Base prepared and submitted by the Pease development authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed ~~[\$60,000,000]~~ **\$35,000,000**, plus interest. The comprehensive development plan shall include the designation and delineation of a research district within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw ~~[his]~~ **a** warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

---

State Treasurer

12 Repeal. The following are repealed:

I. RSA 12-G:27-b, II, relative to state guarantee of bank financing for Pease development plan.

II. RSA 167:64, I(c), relative to payments for the administration of the uncompensated care fund.

13 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2001, provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

14 Transfer of Funds by Division of Children, Youth, and Families, Department of Health and Human Services. Notwithstanding any other provision of law, the division for children, youth, and families, department of health and human services, may, with approval of the fiscal committee and the governor and council, transfer in each of the fiscal years 2000 and 2001 up to \$200,000 in funds which would otherwise lapse to the salary adjustment fund from class 10, personal services permanent in components 05, 01, 03, 02, 01 and 05, 01, 03, 03, 01 to class 91 training in component 05, 01, 03, 06, 00, to provide training for social workers and juvenile service officers.

15 Cigarette Tax. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of ~~[37]~~ **62** cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

16 Definition Expanded; Tobacco Products. RSA 78:1, XIV is repealed and reenacted to read as follows:

XII. "Tobacco products" means cigarettes; cigars; cheroots; stogies; periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

17 Applicability. Sections 15 and 16 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report

of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 1999, shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

18 Intent; Department of Health and Human Services; Use of Funds. It is the intent of the general court that the department of health and human services identify additional state expenditures which can be counted as temporary assistance to needy family funds for the purposes of maintaining the federally required maintenance of effort. Further, the general court intends that the department pursue whatever negotiations with and waivers from the federal government that are necessary to accomplish these uses and to obtain a reasonable maintenance of effort level.

19 Rehiring; Laid-Off State Employees. The provisions of 1990, 261:1, as amended by 1991, 4:10 and 355:103, relative to rehiring of laid-off state employees, shall apply to any person laid-off between July 1, 1999, and June 30, 2001, as a result of any state law, regardless of the funding source for the person's position. The head of each department or agency shall submit the names and classification of individuals laid-off from July 1, 1999, to June 30, 2001, to the director of the division of personnel within 10 days of the layoff.

20 Labor; Public Employee Labor Relations; Bargaining by State Employees; Joint Committee on Employee Relations; Order of Members Changed; Member Added. RSA 273-A:9, V(a) is repealed and reenacted to read as follows:

(a) The joint committee on employee relations shall include the following members:

- (1) President of the senate.
- (2) Speaker of the house of representatives.
- (3) Majority leader of the senate.
- (4) Majority leader of the house of representatives.
- (5) Minority leader of the senate.
- (6) Minority leader of the house of representatives.
- (7) Senate finance committee chairperson.
- (8) House of representatives finance committee chairperson.
- (9) Senate capital budget committee chairperson.
- (10) House of representatives public works and highways committee chairperson.
- (11) Senate ways and means committee chairperson.
- (12) House of representatives finance committee vice chairperson.
- (13) House of representatives labor, industrial, and rehabilitative services committee chairperson.
- (14) House of representatives labor, industrial, and rehabilitative services committee ranking minority member.
- (15) Senate insurance committee chairperson.
- (16) Senate insurance committee vice chairperson.

21 Feasibility Study; Mutual Use of Coast Guard Facilities. The department of safety, division of safety services, the New Hampshire state port authority, and the fish and game department shall jointly prepare a study relative to the feasibility of an agreement for the mutual use of United States Coast Guard facilities. The division, the authority, and the department shall report their joint findings and any recommendations for executive or legislative action to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

22 Navigation Project Obligations; Report by Port Authority. The New Hampshire state port authority shall prepare a report relative to justifications for the United States Army Corps of Engineers to release the state from its obligation to dredge the Hampton-Seabrook Harbor under the 1964 agreement relative to the Navigation Project for the Improvement of Hampton Harbor, NH. The authority shall report its findings and any recommendations for proposed executive or legislative action to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

23 Committee to Study the Protection of Waterfront Properties from Erosion.

I. Committee Established. There is established a committee to study the protection of waterfront properties from erosion.

## II. Membership and Compensation.

(a) The members of the committee shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(2) Three members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study the potential establishment of joint state and local projects to protect from erosion selected waterfront properties along the seacoast and various rivers throughout the state. The committee shall examine options for sharing the cost of the design, engineering, and construction of such projects.

IV. Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

24 Route 93 Borrow-a-Lane Project; Appropriation. The sum of \$30,000 is appropriated for the fiscal year ending June 30, 2000, and the sum of \$30,000 is appropriated for the fiscal year ending June 30, 2001, to the department of transportation for the operation and maintenance of temporary southbound lanes on Route 93 in Concord and Bow which can be utilized on an as needed basis. This appropriation shall be a charge against the highway fund.

25 Taxation; Boat Fee; Collection by Department of Safety; Costs Appropriated to General Fund. RSA 72-A:4, III is repealed and reenacted to read as follows:

III. In addition to the fee set in RSA 72-A:3, \$1 shall be paid to cover the cost of collection. When the fee is collected by a clerk, tax collector, or authorized agent, he or she shall retain the \$1 as compensation. When the fee is collected by the department of safety, the department shall send the \$1 to the treasurer to be deposited in the general fund.

26 Taxation; Boat Fee; Town Treasurer; Collection by Department of Safety; Boat Fees Appropriated to General Fund. RSA 72-A:5, II is repealed and reenacted to read as follows:

II. When the boat fee is collected by the department of safety, the department shall at least weekly send all boat fees so collected to the state treasurer to be deposited in the general fund.

27 Supervision of Navigation; Administration and Enforcement; Auxiliary Marine Patrol; Powers. RSA 270:12-c, I-III is repealed and reenacted to read as follows:

I. The commissioner of safety may establish a force of individuals to assist the director of safety services and the marine patrol officers to patrol the various bodies of water in the state.

II. An individual appointed by the commissioner as an auxiliary officer under this section shall be either a paid part-time employee of the department or a volunteer, but shall not necessarily be a full-time or part-time certified police officer. An auxiliary officer shall be subject to such training requirements as the commissioner shall deem necessary.

III. An auxiliary officer appointed pursuant to this section shall be granted such police powers as the commissioner deems necessary, provided that such powers shall not include the powers of arrest. The report of an auxiliary officer to a marine patrol officer or other authority shall be prima facie evidence relative to the violation or offense reported.

28 Supervision of Navigation; Mooring of Boats on Public Waters; Decal Issuance, Display, Replacement, Renewal, and Fee; Mooring Fee; Appropriation to Navigation Safety Fund Deleted. RSA 270:62, V is repealed and reenacted to read as follows:

V. An annual mooring fee of \$25 shall be charged for each decal issued pursuant to this subdivision.

29 Supervision of Navigation; Mooring of Boats on Public Waters; Public Mooring Fields; Application Fee; Appropriation to Navigation Safety Fund Deleted. RSA 270:67, I(c) is repealed and reenacted to read as follows:

(c) Each public mooring field applicant shall be assessed a fee of \$25.

30 Supervision of Navigation; Mooring of Boats on Public Waters; Congregate Mooring Fields; Mooring Fee; Appropriation to Navigation Safety Fund Deleted. RSA 270:67, II(c) is repealed and reenacted to read as follows:



(c) Each congregate mooring field permitted by the director shall be assessed an annual mooring fee of \$25 for each mooring installed in the congregate mooring field.

31 Navigation; Vessel Registration and Numbering; Disposition of Revenues. RSA 270-E:7, I is repealed and reenacted to read as follows:

I. Except as provided in paragraph II, all fines collected under this chapter and the amount of fees generated by RSA 270-E:5, I and III shall be made available to the department of safety, division of safety services for the promotion of the safety of navigation and the administration and enforcement of this chapter. Such sums shall be nonlapsing and shall be continually appropriated to the department of safety, division of safety services.

32 Navigation; Vessel Registration and Numbering; Licenses and Inspections; License Fees; Appropriation to Division of Safety Services Deleted. RSA 270-E:23 is repealed and reenacted to read as follows:

270-E:23 License Fees. There shall be paid to the commissioner for every general certificate of captain, master, pilot or engineer, \$4; and for every limited certificate of captain, master, pilot or engineer, \$2. A general certificate shall entitle the holder thereof to act in the capacity named on any vessel of the class described in the certificate; a limited certificate shall entitle the holder to act in such capacity only on a particular vessel named in the certificate. Only one certificate shall be required to entitle the holder thereof to act in any or all of the above capacities on any motorized vessel permitted to carry a maximum of 25 persons.

33 Repeal. The following are repealed:

I. RSA 6:12, I(ppp), relative to the navigation safety fund.

II. RSA 270-E:6-a, relative to the navigation safety fund.

34 Contingency. If HB 245-FN of the 1999 session becomes law, sections 25-33 of this act shall take effect July 1, 1999 at 12:02 a.m. If HB 245-FN of the 1999 session does not become law, sections 25-33 of this act shall not take effect.

35 Interstate Cooperation; Reference Deleted. Amend RSA 421-B:31-a to read as follows:

421-B:31-a Interstate Cooperation. The secretary of state and ~~his~~ *the secretary of state's* staff shall maintain close relations with the securities and corporate administrators of other states and shall actively participate in the activities and affairs of the North American Security Administrators Association and other organizations so far as it will, in the secretary of state's judgment, enhance the purposes of the securities and corporate laws ~~[and shall be exempt from the provisions of RSA 9:25]~~. The actual and necessary travel and related expenses incurred in attending meetings of said association, their committees, subcommittees, hearings, and other official activities, as well as the general expenses of participation in such associations, shall be a charge on available funds and the appropriation of the office of the secretary of state.

36 Repeal. RSA 9:25 and 9:26, relative to expenses for out-of-state trips by state officials or employees, are repealed.

37 Effective Date.

I. Sections 20-23, 35, and 36 of this act shall take effect 60 days after its passage.

II. Sections 25-33 of this act shall take effect as provided in section 34 of this act.

III. Section 34 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect July 1, 1999.

## AMENDED ANALYSIS

This bill:

I. Transfers up to \$28,400,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.

II. Provides for 27 salary payments or retirement benefits payments to persons employed in unclassified positions and persons who are full-time or retired judges for fiscal year 2000.

III. Requires the department of health and human services to convert a certain amount of funded positions to unfunded positions and to submit to the fiscal committee a report of productivity gains from investments in information technology.

IV. Requires the department of health and human services to leave certain positions unfunded.

V. Requires the commissioner of the department of health and human services to establish certain pharmaceutical formularies and make a report of such formularies to the fiscal committee.

VI. Revises the salary classifications of the commissioner and deputy commissioner of the department of labor.

VII. Transfers funds to the department of health and human services from the long term care assistance fund and makes an additional appropriation to the department of health and human services.

VIII. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N and the position of warden of the lakes region facility to unclassified personnel group N.

IX. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.

X. Repeals a provision relative to payments for the administration of the uncompensated care fund.

XI. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

XII. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.

XIII. Increases the tobacco tax by 25 cents and imposes the tax to all types of tobacco products.

XIV. Grants laid-off state employees certain rights with regard to rehiring.

XV. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations and changes the order in which the members of the committee are listed in the statute.

XVI. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

XVII. Establishes a committee to study the protection of waterfront properties from erosion.

XVIII. Makes an appropriation to the department of transportation for the borrow-a-lane project.

XIX. Amends certain provisions relating to boating-related fees and the auxiliary marine patrol to their former effect contingent upon HB 245 of the 1999 session becoming law.

XX. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

Rep. Kurk spoke against.

The amendment failed.

Rep. Burling offered a floor amendment (1734h).

### **Floor Amendment (1734h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Intent. The purpose of this bill is to make those changes to the general laws necessary to effectuate the intent of the operating budget, but which are prohibited from being included in the operating budget by Part II, Article 18-a of the New Hampshire Constitution.

2 Pharmaceutical Purchasing Program; Department of Health and Human Services. Subject to the approval of the governor and executive council, the commissioner of the department of health and human services may implement a pharmaceutical purchasing initiative by contracting with an established entity for the purchase of maintenance drugs at the lowest pricing available for recipients under federally-funded programs, including the medicaid program. Any such contracts for the purposes of this section shall have the authority to establish a pharmaceutical network and a capacity for processing the prescription volume anticipated for medicaid and other recipients.

3 Additional Revenues; Department of Health and Human Services. Notwithstanding any provision of the law to the contrary, the legislative fiscal committee and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues, in excess of or in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following subcomponents: division of family assistance's food stamp administration, division for children, youth, and families' settlement program, division of family assistance's New Heights maintenance services, division for children, youth, and families' NH Bridges maintenance services, the office of program support, division of child support's New England Child Support Enforcement System maintenance services, and any other such subcomponent that requires deficit reduction or for which revenue has been specifically obtained.

4 Transfer of Funds by Division of Children, Youth, and Families, Department of Health and Human Services. Notwithstanding any other provision of law, the division for children, youth, and families, department of health and human services, may, with approval of the fiscal committee and

the governor and council, transfer in each of the fiscal years 2000 and 2001 up to \$200,000 in funds which would otherwise lapse to the salary adjustment fund from class 10, personal services permanent in components 05, 01, 03, 02, 01 and 05, 01, 03, 03, 01 to class 91 training in component 05, 01, 03, 06, 00, to provide training for social workers and juvenile service officers.

5 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2001, provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

6 Transfer of Authority; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services may make transfers among any and all accounts and program appropriation units of the department of health and human services, with the exception of benefit appropriations which shall be limited to transfers between benefit appropriation accounts, as the commissioner shall deem necessary and appropriate to effect a reorganization of the department, address present or projected deficits, or respond to changes in federal laws, regulations, or programs and otherwise as necessary for the efficient management of the department. The commissioner may transfer not more than \$2,277,000 in general funds each year for the purpose of increasing salaries for direct care providers for persons with developmental and acquired disabilities. Applicable matching federal funds shall be accepted to the extent that they become available in accordance with section 3 of this act. The commissioner shall not execute a transfer without obtaining the approval of the legislative fiscal committee and the governor and council.

7 Department of Administrative Services; State Facility Energy Cost Reduction; Definitions; Energy Cost Saving Measure; Debt Service Extended. Amend RSA 21-I:19-b, I to read as follows:

I. "Energy cost saving measure" means any construction, improvement, repair, alteration, or betterment of any building or facility or any equipment, fixture, or furnishing to be added to or used in any building or facility that will be a cost effective energy-related project. This shall include any project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility and will achieve energy cost savings sufficient to recover any project costs or incurred debt service within [7] 10 years from the date of project implementation.

8 Department of Administrative Services; State Facility Energy Cost Reduction; Energy Performance Contracting; Contract Period Extended. Amend RSA 21-I:19-d, II(d)-(f) to read as follows:

(d) The term of any energy performance contract entered into pursuant to this section shall not exceed [7] 10 years.

(e) Any contract entered into shall contain the following annual allocation dependency clause: "The continuation of this contract is contingent upon the appropriation of funds to fulfill the requirements of the contract by the applicable funding authority. If that authority fails to appropriate sufficient funds to provide for the continuation of the contract, the contract shall terminate on the last day of the fiscal year for which allocations were made."

(f) Any energy performance contract should require the contractor to include all energy efficiency improvement in selected buildings that are calculated to recover all costs within [7] 10 years at existing energy prices. The contract shall require that the public utility or energy services provider be repaid solely from energy cost savings and only to the extent of energy cost savings. Repayments shall be interest-free.

9 Appropriation; Office of Energy and Community Services. The sum of \$5,147 for the fiscal year ending June 30, 1999, is hereby appropriated to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs as observed and disclosed in a financial audit of the office. This appropriation shall be in addition to any other sums appropriated to the governor's office of energy and community services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Budget Surplus; Transfer to Education Trust Fund. Notwithstanding RSA 9:13-e, any general fund undesignated surplus for the fiscal year ending June 30, 1999 up to \$20,000,000 shall be transferred to the education trust fund established pursuant to RSA 198:39. Any general fund undesignated surplus in excess of \$20,000,000 shall be transferred according to RSA 9:13-e.

11 Addition to Personnel Group. Amend RSA 94:1-a by inserting in group N:

Warden, Northern New Hampshire Correctional Facility, department of corrections

12 Applicability of Salary Classifications. The warden of the Northern New Hampshire Correctional Facility (formerly the Berlin prison facility) on the effective date of this act shall become the unclassified warden at step 4 in group N.

13 Pease Development Authority Bonds; Comprehensive Development Plan Required; Bond Guarantee Amount Reduced. Amend RSA 12-G:27-b, I to read as follows:

I. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air Force Base prepared and submitted by the Pease development authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed ~~[\$60,000,000]~~ **\$35,000,000**, plus interest. The comprehensive development plan shall include the designation and delineation of a research district within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw [his] a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

---

State Treasurer

14 Repeal. RSA 12-G:27-b, II, relative to state guarantee of bank financing for Pease development plan, is repealed.

15 Rehiring; Laid-Off State Employees. The provisions of 1990, 261:1, as amended by 1991, 4:10 and 355:103, relative to rehiring of laid-off state employees, shall apply to any person laid-off between July 1, 1999, and June 30, 2001, as a result of any state law, regardless of the funding source for the person's position. The head of each department or agency shall submit the names and classification of individuals laid-off from July 1, 1999, to June 30, 2001, to the director of the division of personnel within 10 days of the layoff.

16 Labor; Public Employee Labor Relations; Bargaining by State Employees; Joint Committee on Employee Relations; Order of Members Changed; Member Added. RSA 273-A:9, V(a) is repealed and reenacted to read as follows:

(a) The joint committee on employee relations shall include the following members:

- (1) President of the senate.
- (2) Speaker of the house of representatives.
- (3) Majority leader of the senate.
- (4) Majority leader of the house of representatives.
- (5) Minority leader of the senate.
- (6) Minority leader of the house of representatives.
- (7) Senate finance committee chairperson.
- (8) House of representatives finance committee chairperson.
- (9) Senate capital budget committee chairperson.
- (10) House of representatives public works and highways committee chairperson.
- (11) Senate ways and means committee chairperson.
- (12) House of representatives finance committee vice chairperson.
- (13) House of representatives labor, industrial, and rehabilitative services committee chairperson.
- (14) House of representatives labor, industrial, and rehabilitative services committee ranking minority member.
- (15) Senate insurance committee chairperson.
- (16) Senate insurance committee vice chairperson.

17 New Subparagraph; Labor; Public Employee Labor Relations; Bargaining by State Employees; Joint Committee on Employee Relations; Alternates. Amend RSA 273-A:9, V by inserting after subparagraph (d) the following new subparagraph:

(e) The president of the senate may appoint one or more alternates to serve on the joint committee on employee relations in the event that a senate member is unable to attend.

18 Feasibility Study; Mutual Use of Coast Guard Facilities. The department of safety, division of safety services, the New Hampshire state port authority, and the fish and game department shall jointly prepare a study relative to the feasibility of an agreement for the mutual use of United States Coast Guard facilities. The division, the authority, and the department shall report their joint findings and any recommendations for executive or legislative action to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

19 Navigation Project Obligations; Report by Port Authority. The New Hampshire state port authority shall prepare a report relative to justifications for the United States Army Corps of Engineers to release the state from its obligation to dredge the Hampton-Seabrook Harbor under the 1964 agreement relative to the Navigation Project for the Improvement of Hampton Harbor, NH. The authority shall report its findings and any recommendations for proposed executive or legislative action to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

20 Committee to Study the Protection of Waterfront Properties from Erosion.

I. Committee Established. There is established a committee to study the protection of waterfront properties from erosion.

II. Membership and Compensation.

(a) The members of the committee shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(2) Three members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study the potential establishment of joint state and local projects to protect from erosion selected waterfront properties along the seacoast and various rivers throughout the state. The committee shall examine options for sharing the cost of the design, engineering, and construction of such projects.

IV. Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

21 Route 93 Borrow-a-Lane Project; Appropriation. The sum of \$30,000 is appropriated for the fiscal year ending June 30, 2000, and the sum of \$30,000 is appropriated for the fiscal year ending June 30, 2001, to the department of transportation for the operation and maintenance of temporary southbound lanes on Route 93 in Concord and Bow which can be utilized on an as needed basis. This appropriation shall be a charge against the highway fund.

22 Interstate Cooperation; Reference Deleted. Amend RSA 421-B:31-a to read as follows:

421-B:31-a Interstate Cooperation. The secretary of state and ~~his~~ *the secretary of state's* staff shall maintain close relations with the securities and corporate administrators of other states and shall actively participate in the activities and affairs of the North American Security Administrators Association and other organizations so far as it will, in the secretary of state's judgment, enhance the purposes of the securities and corporate laws [and shall be exempt from the provisions of RSA 9:25]. The actual and necessary travel and related expenses incurred in attending meetings of said association, their committees, subcommittees, hearings, and other official activities, as well as the general expenses of participation in such associations, shall be a charge on available funds and the appropriation of the office of the secretary of state.

23 Repeal. RSA 9:25 and 9:26, relative to expenses for out-of-state trips by state officials or employees, are repealed.

24 Deputy Director of Motor Vehicles. Amend RSA 21-P by inserting after section 11 the following new section:

21-P:11-a Deputy Director of Motor Vehicles.

I. The commissioner of safety shall nominate a deputy director of motor vehicles for appointment by the governor, with the consent of the council. The deputy director of motor vehicles shall serve a term of 4 years, and may be reappointed. The deputy director of motor vehicles shall be qualified to hold that position by reason of education and experience.

II. The deputy director of motor vehicles shall perform such duties as are assigned by the director of motor vehicles. The deputy director of motor vehicles shall assume the duties of the director of motor vehicles in the event that the director of motor vehicles is unable for any reason to perform such duties.

III. The salary of the deputy director of motor vehicles shall be as specified in RSA 94:1-a.

25 Change of Title of Position. Amend 94:1-a, I, group N by deleting the director of enforcement, department of safety and inserting in place thereof the deputy director, division of motor vehicles, department of safety.

26 Classified Salaries; October 1, 1999. RSA 99:1-a is repealed and reenacted to read as follows: 99:1-a Salaries Established. The salary ranges for all classified state employees commencing October 1, 1999, shall be established as follows:

**October 1, 1999**

**SALARY**

GRADE	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
01	14,410.50	14,820.00	15,268.50	15,717.00	16,204.50
02	14,820.00	15,268.50	15,717.00	16,204.50	16,711.50
03	15,268.50	15,717.00	16,204.50	16,711.50	17,199.00
04	15,717.00	16,204.50	16,711.50	17,199.00	17,686.50
05	16,204.50	16,711.50	17,199.00	17,686.50	18,213.00
06	16,711.50	17,199.00	17,686.50	18,213.00	18,778.50
07	17,199.00	17,842.50	18,583.50	19,344.00	20,124.00
08	17,842.50	18,583.50	19,344.00	20,124.00	20,904.00
09	18,583.50	19,344.00	20,124.00	20,904.00	21,723.00
10	19,344.00	20,124.00	20,904.00	21,723.00	22,639.50
11	20,124.00	20,904.00	21,723.00	22,639.50	23,536.50
12	20,904.00	21,723.00	22,639.50	23,536.50	24,472.50
13	21,723.00	22,639.50	23,536.50	24,472.50	25,467.00
14	22,639.50	23,536.50	24,472.50	25,467.00	26,520.00
15	23,536.50	24,550.50	25,584.00	26,656.50	27,448.50
16	24,550.50	25,584.00	26,656.50	27,748.50	28,918.50
17	25,584.00	26,656.50	27,748.50	28,918.50	30,205.50
18	26,656.50	27,748.50	28,918.50	30,205.50	31,473.00
19	27,748.50	28,918.50	30,205.50	31,473.00	32,838.00
20	28,918.50	30,205.50	31,473.00	32,838.00	34,222.50
21	30,205.50	31,473.00	32,838.00	34,222.50	35,704.50
22	31,473.00	32,838.00	34,222.50	35,704.50	37,245.00
23	32,838.00	34,300.50	35,860.50	37,479.00	39,195.00
24	34,300.50	35,860.50	37,479.00	39,195.00	40,930.50
25	35,860.50	37,479.00	39,195.00	40,930.50	42,763.50
26	37,479.00	39,195.00	40,930.50	42,763.50	44,713.50
27	39,195.00	40,930.50	42,736.50	44,713.50	46,722.00
28	40,930.50	42,763.50	44,713.50	46,722.00	48,828.00
29	42,763.50	44,713.50	46,722.00	48,828.00	51,012.00
30	44,713.50	46,722.00	48,828.00	51,012.00	53,332.50
31	46,722.00	48,945.00	51,304.50	53,644.50	56,238.00
32	48,945.00	51,304.50	53,644.50	56,238.00	58,929.00
33	51,304.50	53,644.50	56,238.00	58,929.00	61,698.00
34	53,644.50	56,238.00	58,929.00	61,698.00	64,662.00

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

27 Classified Salaries; October 1, 2000. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified employees commencing October 1, 2000 shall be established as follows:

**October 1, 2000**

**SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
01	14,839.50	15,268.50	15,717.00	16,185.00	16,692.00
02	15,268.50	15,717.00	16,185.00	16,692.00	17,218.50
03	15,717.00	16,185.00	16,692.00	17,218.50	17,706.00
04	16,185.00	16,692.00	17,218.50	17,706.00	18,213.00
05	16,692.00	17,218.50	17,706.00	18,213.00	18,759.00
06	17,218.50	17,706.00	18,213.00	18,759.00	19,344.00
07	17,706.00	18,369.00	19,149.00	19,929.00	20,728.50
08	18,369.00	19,149.00	19,929.00	20,728.50	21,528.00
09	19,149.00	19,929.00	20,728.50	21,528.00	22,366.50
10	19,929.00	20,728.50	21,528.00	22,366.50	23,322.00
11	20,728.50	21,528.00	22,366.50	23,322.00	24,238.50
12	21,528.00	22,366.50	23,322.00	24,238.50	25,213.50
13	22,366.50	23,322.00	24,238.50	25,213.50	26,227.50
14	23,322.00	24,238.50	25,213.50	26,227.50	27,319.50
15	24,238.50	25,291.50	26,344.50	27,456.00	28,587.00
16	25,291.50	26,344.50	27,456.00	28,587.00	29,776.50
17	26,344.50	27,456.00	28,587.00	29,776.50	31,102.50
18	27,456.00	28,587.00	29,776.50	31,102.50	32,409.00
19	28,587.00	29,776.50	31,102.50	32,409.00	33,832.50
20	29,776.50	31,102.50	32,409.00	33,832.50	35,256.00
21	31,102.50	32,409.00	33,832.50	35,256.00	36,777.00
22	32,409.00	33,832.50	35,256.00	36,777.00	38,356.50
23	33,832.50	35,334.00	36,933.00	38,610.00	40,365.00
24	35,334.00	36,933.00	38,610.00	40,365.00	42,159.00
25	36,933.00	38,610.00	40,365.00	42,159.00	44,050.50
26	38,610.00	40,365.00	42,159.00	44,050.50	46,059.00
27	40,365.00	42,159.00	44,050.50	46,059.00	48,126.00
28	42,159.00	44,050.50	46,059.00	48,126.00	50,290.50
29	44,050.50	46,059.00	48,126.00	50,290.50	52,533.00
30	46,059.00	48,126.00	50,290.50	52,533.00	54,931.50
31	48,126.00	50,407.50	52,845.00	55,263.00	57,934.50
32	50,407.50	52,845.00	55,263.00	57,934.50	60,703.50
33	52,845.00	55,263.00	57,934.50	60,703.50	63,550.50
34	55,263.00	57,934.50	60,703.50	63,550.50	66,592.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

28 Salaries Established; Law Enforcement Employees; January 1, 2000. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; Law Enforcement Employees. The salary ranges for law enforcement employees commencing January 1, 2000, shall be established as follows:

**January 1, 2000**

**SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
01	19,355.70	19,920.42	20,511.66	21,129.68	21,774.22
02	19,920.42	20,511.66	21,129.68	21,774.22	22,467.90
03	20,511.66	21,129.68	21,774.22	22,467.90	23,110.36
04	21,129.68	21,774.22	22,467.90	23,110.36	23,779.34
05	21,774.22	22,467.90	23,110.36	23,779.34	24,470.68
06	22,567.90	23,110.36	23,779.34	24,470.68	25,242.10
07	23,110.36	23,959.52	24,959.74	25,989.08	27,042.86
08	23,959.52	24,959.74	25,989.08	27,042.86	28,096.38
09	24,959.74	25,989.08	27,042.86	28,096.38	29,203.46
10	25,989.08	27,042.86	28,096.38	29,203.46	30,410.64
11	27,042.86	28,096.38	29,203.46	30,410.64	31,646.68
12	28,096.38	29,203.46	30,410.64	31,646.68	32,880.38
13	29,203.46	30,410.64	31,646.68	32,880.38	34,216.52
14	30,410.64	31,646.68	32,880.38	34,216.52	35,630.14
15	31,646.68	32,982.56	34,396.44	35,810.32	37,299.60
16	32,982.56	34,396.44	35,810.32	37,299.60	38,869.22
17	34,396.44	35,810.32	37,299.60	38,869.22	40,591.98
18	35,810.32	37,299.60	38,869.22	40,591.98	42,288.22
19	37,299.60	38,869.22	40,591.98	42,288.22	44,137.60
20	38,869.22	40,591.98	42,288.22	44,137.60	45,991.66
21	40,591.98	42,288.22	44,137.60	45,991.66	47,996.78
22	42,288.22	44,137.60	45,991.66	47,996.78	50,053.12
23	44,137.60	46,093.84	48,176.96	50,362.00	52,673.92
24	46,093.84	48,176.96	50,362.00	52,673.92	55,014.70
25	48,176.96	50,362.00	52,673.92	55,014.70	57,457.92
26	50,362.00	52,673.92	55,014.70	57,457.92	60,078.72
27	52,673.92	55,014.70	57,457.92	60,078.72	62,779.86
28	55,014.70	57,457.92	60,078.72	62,779.86	65,631.80
29	57,457.92	60,078.72	62,779.86	65,631.80	68,564.08
30	60,078.72	62,779.86	65,631.80	68,564.08	71,671.86
31	62,779.86	65,785.20	68,948.62	72,109.70	75,582.00
32	65,785.20	68,948.62	72,109.70	75,582.00	79,207.70
33	68,948.62	72,109.70	75,582.00	79,207.70	82,933.50
34	72,109.70	75,582.00	79,207.70	82,933.50	86,894.86

29 Salaries Established; Law Enforcement Employees; January 1, 2001. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; Law Enforcement Employees. The salary ranges for law enforcement employees commencing January 1, 2001, shall be established as follows:

**January 1, 2001**

**SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
01	19,935.76	20,516.08	21,125.26	21,763.30	22,425.52
02	20,516.08	21,125.26	21,763.30	22,425.52	23,141.56
03	21,125.26	21,763.30	22,425.52	23,141.56	23,801.70
04	21,763.30	22,425.52	23,141.56	23,801.70	24,490.70
05	22,425.52	23,141.56	23,801.70	24,490.70	25,204.40
06	23,141.56	23,801.70	24,490.70	25,204.40	25,997.92
07	23,801.70	24,677.64	25,706.72	26,767.26	27,851.98



January 1, 2001

**SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
08	24,677.64	25,706.72	26,767.26	27,851.98	28,939.04
09	25,706.72	26,767.26	27,851.98	28,939.04	30,079.40
10	26,767.26	27,851.98	28,939.04	30,079.40	31,322.20
11	27,851.98	28,939.04	30,079.40	31,322.20	32,595.94
12	28,939.04	30,079.40	31,322.20	32,595.94	33,865.26
13	30,079.40	31,322.20	32,595.94	33,865.26	35,241.18
14	31,322.20	32,595.94	33,865.26	35,241.18	36,697.18
15	32,595.94	33,971.86	35,427.86	36,884.12	38,417.86
16	33,971.86	35,427.86	36,884.12	38,417.86	40,034.02
17	35,427.86	36,884.12	38,417.86	40,034.02	41,808.00
18	36,884.12	38,417.86	40,034.02	41,808.00	43,555.20
19	38,417.86	40,034.02	41,808.00	43,555.20	45,460.48
20	40,034.02	41,808.00	43,555.20	45,460.48	47,369.92
21	41,808.00	43,555.20	45,460.48	47,369.92	49,435.10
22	43,555.20	45,460.48	47,369.92	49,435.10	51,553.58
23	45,460.48	47,476.52	49,621.78	51,871.56	54,252.38
24	47,476.52	49,621.78	51,871.56	54,252.38	56,664.40
25	49,621.78	51,871.56	54,252.38	56,664.40	59,180.68
26	51,871.56	54,252.38	56,664.40	59,180.68	61,879.48
27	54,252.38	56,664.40	59,180.68	61,879.48	64,662.52
28	56,664.40	59,180.68	61,879.48	64,662.52	67,599.22
29	59,180.68	61,879.48	64,662.52	67,599.22	70,620.16
30	61,879.48	64,662.52	67,599.22	70,620.16	73,821.28
31	64,662.52	67,757.04	71,015.88	74,272.64	77,849.46
32	67,757.04	71,015.88	74,272.64	77,849.46	81,581.76
33	71,015.88	74,272.64	77,849.46	81,581.76	85,420.92
34	74,272.64	77,849.46	81,581.76	85,420.92	89,500.32

30 Unclassified Salaries; October 1, 1999. The introductory paragraph of RSA 94:1-a, I is repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on October 1, 1999:

31 Unclassified Salaries; Salary Ranges for Groups; October 1, 1999. Amend RSA 94:1-a, I by replacing the salary ranges for each group with the following:

Group I	\$26,662	\$39,969
Group J	\$31,089	\$44,403
Group K	\$35,513	\$48,855
Group L	\$39,973	\$53,288
Group M	\$44,408	\$57,723
Group N	\$48,858	\$62,171
Group O	\$51,079	\$65,508
Group P	\$57,725	\$74,372
Group Q	\$59,958	\$94,606
Group R	\$62,175	\$96,823
Group S	\$64,394	\$109,518
Group T		\$ 83,256
Group U		\$113,004
Group V		\$88,810
Group W		\$93,263

32 Unclassified Salaries; October 1, 2000. The introductory paragraph of RSA 94:1-a, I is repealed and reenacted to read as follows:

1. The salary ranges for the positions set forth in the following groups shall be as follows commencing on October 1, 2000:

33 Unclassified Salaries; Salary Ranges for Groups; October 1, 2000. Amend RSA 94:1-a, I by replacing the salary ranges for each group with the following:

Group I	\$27,461	\$41,168
Group J	\$32,021	\$45,735
Group K	\$36,578	\$50,320
Group L	\$41,172	\$54,886
Group M	\$45,740	\$59,454
Group N	\$50,323	\$64,036
Group O	\$52,611	\$67,473
Group P	\$59,456	\$76,603
Group Q	\$61,756	\$97,444
Group R	\$64,040	\$99,727
Group S	\$66,325	\$112,803
Group T		\$85,753
Group U		\$116,394
Group V		\$91,474
Group W		\$96,060

34 Salary Wages for Councilors and Commissioners; October 1, 1999. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing

October 1, 1999:	Minimum	Maximum
Governor's councilors		\$11,098
Pari-mutuel commissioners		\$ 8,415
Sweepstakes commission, chairman		\$12,627
Sweepstakes commission, members		\$ 6,734

35 Salary Wages for Councilors and Commissioners; October 1, 2000. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing

October 1, 2000:	Minimum	Maximum
Governor's councilors		\$11,430
Pari-mutuel commissioners		\$ 8,667
Sweepstakes commission, chairman		\$13,005
Sweepstakes commission, members		\$ 6,936

36 Classified Increases; October 1, 1999. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Classified employees of the state as of October 1, 1999, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

37 Classified Increases; October 1, 2000. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Classified employees of the state as of October 1, 2000, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

38 Judicial Salaries; October 1, 1999. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$106,649
Associate justices, supreme court	\$103,416
Chief justice, superior court	\$103,416
Associate justices, superior court	\$ 96,952
District court justices prohibited from practice pursuant to RSA 502-A:21	\$ 96,952
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$ 96,952

39 Judicial Salaries; October 1, 2000. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$109,848
Associate justices, supreme court	\$106,518
Chief justice, superior court	\$106,518
Associate justices, superior court	\$ 99,861
District court justices prohibited from practice pursuant to RSA 502-A:21	\$ 99,861
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$ 99,861

40 Judicial Employees; October 1, 1999. All judicial employees shall receive 3 percent salary increases on October 1, 1999.

41 Judicial Employees; October 1, 2000. All judicial employees shall receive 3 percent salary increases on October 1, 2000.

42 Legislative Employees; October 1, 1999. Legislative employees shall receive 3 percent salary increases effective October 1, 1999, if such increases are approved by the appointing authority.

43 Legislative Employees; October 1, 2000. Legislative employees shall receive 3 percent salary increases effective October 1, 2000, if such increases are approved by the appointing authority.

44 Changes in Salary Groups. Any classified employee whose position was changed from one salary group to a lower paying salary group, during the 1999 legislative session, shall continue to receive the salary and scheduled raises of the higher paying salary group so long as such employee is employed in such position.

45 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 26-44 of this act for the fiscal years ending June 30, 2000 and June 30, 2001:

FY 2000						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$10,298,116	\$ 5,548,154	\$1,198,189	\$2,225,208	\$235,358	\$128,377	\$ 962,830
FY 2001						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$24,243,747	\$13,024,483	\$2,761,220	\$5,381,480	\$561,883	\$295,845	\$2,218,836

The governor is authorized to draw a warrant for said sums out of the appropriate funds.

46 Effective Date.

I. Section 9 of this act shall take effect upon its passage

II. Sections 16-20, 22, and 23 of this act shall take effect 60 days after its passage.

III. Sections 26, 28, 30, 31, 34, 36, 38, 40, and 42 shall take effect October 1, 1999.

IV. Sections 27, 29, 32, 33, 35, 37, 39, 41, and 43 shall take effect October 1, 2000.

V. The remainder of this act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of the department of health and human services to implement a pharmaceutical purchasing initiative.

II. Enables additional revenues to be made available for certain health and human services programs.

III. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.

IV. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

V. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.

VI. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.

VII. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.

VIII. Transfers up to \$20,000,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.

IX. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.

X. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.

XI. Grants laid-off state employees certain rights with regard to rehiring.

XII. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.

XIII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

XIV. Establishes a committee to study the protection of waterfront properties from erosion.

XV. Makes an appropriation to the department of transportation for the borrow-a-lane project.

XVI. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

XVII. Establishes the position of deputy director of motor vehicles.

XVIII. Grants pay raises to state employees, judicial employees, and legislative employees.

Rep. Burling spoke in favor and yielded to questions.

Rep. Hager yielded to questions.

Rep. Kurk spoke against and yielded to questions.

Rep. Goulet requested that the question be divided. The Speaker ruled the question was divisible.

Rep. Goulet moved that Sections 30, 31, 32 and 33 be voted on separately.

Rep. Goulet spoke against Sections 30, 31, 32 and 33.

Rep. Jacobson moved Re-commit to Committee, spoke in favor and yielded to questions.

Rep. Burling spoke against.

Rep. Chandler spoke in favor.

### LAIID ON THE TABLE

Rep. Wallin moved that **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures be laid on the table.

Adopted.

### SPECIAL ORDER

**HB 703-FN-A-L**, establishing a regional youth center pilot program in the city of Nashua and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Children and Family Law: The overall intent of this legislation is to encourage and enable the establishment of community-based regional youth centers for the provision of residential and non-residential services for juveniles involved in the juvenile justice system. HB 703 enables a pilot regional youth center in Nashua. It encourages an existing local interdisciplinary group made up of residents of the Nashua community to establish a board which will pursue the design and construction of a facility using federal funds where services can be provided to juveniles by local providers and local schools. The facility will be staff-secure and will only serve non-violent offenders. Violent offenders will continue to be housed at the Youth Development Center. The local district court judge will be able to sentence juveniles to the facility for up to 90 days. The local board will establish rules and regulations for the youth center which will include criteria for admission and dismissal. Facility site and other details will also be determined by the local board. The legislation requires that an outcome based evaluation plan for the facility is established which shall provide for the collection of appropriate data and the identification of specific measures so that the success of the facility can be evaluated. It is contemplated that the Department of Youth Development Services will provide the personnel for the bed supervision. However, there is no appropriation in this bill because operation of the facility will not begin before July 1, 2001. It is estimated that the design and construction of a facility will take the next two years. The committee supports the concept of regional youth centers with the overall goal of doing a better job of serving young people in their local communities so that we may prevent them from going to YDC or the state prison in the future. Vote 13-4.

**Amendment (1539h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a regional youth center pilot program in the city of Nashua.

Amend the bill by replacing all after the enacting clause with the following:

**I Regional Youth Center Pilot Program Established; Purpose.**

I. A regional youth center pilot program for the placement of certain juveniles is hereby established in the city of Nashua, which may include the construction of a new regional youth center facility in the city of Nashua with an initial capacity of 25 residential beds and the capacity to increase to not more than 50 beds.

II. The intent of the legislature is to encourage and enable the establishment of community-based regional youth centers for the provision of residential and non-residential services for juveniles involved in the juvenile justice system. Local providers, the counties, and the state shall work together to provide an appropriate response to those juveniles determined to need a variety of programs and services that can be provided in a staff-secure setting. No similar facility currently exists within this state to provide short-term comprehensive community-based services for such juveniles, and the Nashua regional youth center pilot program is intended to be a model for other community-oriented juvenile facilities throughout this state in the future.

III. The purpose of the pilot program is to provide community-based services, including short-term residential services, for juveniles. The goal of this act is to encourage, in the context of the community, the wholesome moral, mental, emotional, and physical development of juveniles, including but not limited to those between the ages of 12 and 16, who are delinquent, in need of services, truant, runaway, or otherwise wayward, in order to assist the child in becoming a responsible and productive member of society. In order to accomplish this goal, community service providers in the Nashua area have agreed to provide education, treatment, care, guidance, and counseling for juveniles at a regional youth center.

**2 Regional Youth Center Pilot Program; Regional Youth Center Board; Purpose; Membership.**

I. A regional youth center board shall be established for the purpose of administering the regional youth center pilot program. The members of the board shall be selected by the working group of local agencies currently meeting on a regular basis in the city of Nashua on issues relating to this pilot program. The board shall consist of residents of the communities of Nashua, Hudson, or Hollis. The commissioners of the departments of youth development services, and health and human services, or their designees, shall also be members of the board.

II. Board members shall be appointed and hold their initial meeting within 60 days of the effective date of this paragraph. At this initial meeting officers, including a chairperson and secretary, shall be elected and rules of procedure shall be adopted. Members of the board shall serve without compensation.

**3 Powers and Duties. The regional youth center board shall have the following powers and duties:**

I. To establish criteria for the admission of juveniles into the regional youth center pilot program and to decline admission to any juvenile who does not meet those criteria. The board may, pursuant to procedures established by the board remove any juvenile from the regional youth center pilot program whose conduct interferes with the objectives of the program or whose behavior negatively affects another participant in the pilot program.

II. With the exception of bed supervision, to contract for the provision of ordinary and necessary services, including but not limited to residential, educational, security, healthcare services and community-based treatment, care, and counseling services for both juveniles attending the pilot program and their families.

III. To pursue additional funding for the pilot program, including but not limited to, grants or other moneys from federal, state, or private foundations or sources, and expend such grants, moneys, or other appropriations for the purposes of said pilot program.

IV. To establish an outcome-based evaluation plan for the program which shall provide for the collection of appropriate data and for the determination annually of the success of the regional youth center programming and services based on specific measures to be determined by the board.

V. To provide residential services to preadjudicated juveniles, adjudicated juvenile delinquents and children in need of services, and juveniles taken into temporary custody pursuant to RSA 169-B:9, II and RSA 169-D:8, II.

VI. To provide non-residential services to court-ordered and non-court-ordered juveniles on such terms and conditions as provided for in the criteria for admission established by the board.

4 Bed Supervision. The department of youth development services shall provide bed supervision for the regional youth center facility established in this act. Bed supervision shall consist of monitoring and supervising juveniles receiving residential services during the night time hours as such hours are established by the regional youth center board. The board shall determine the need for and extent of daytime supervision of juveniles in residence who are unable for any reason, including but not limited to illness, attend or participate in daytime programming. The state shall be responsible only for expenses related to bed supervision of juveniles in residence at the regional youth center facility.

5 Rulemaking. The commissioner of the department of youth development services shall adopt rules, pursuant to RSA 541-A, relative to the bed supervision of juveniles placed in the regional youth center facility pursuant to the provisions of RSA 169-B and 169-D.

6 Nashua District Court; Jurisdiction.

I. Notwithstanding any law to the contrary, the pilot program and services established in this act shall be available for the purposes of actions and proceedings pursuant to RSA 169-B and 169-D in the Nashua district court only.

II. Notwithstanding any provision of RSA 169-B to the contrary, the Nashua district court shall have the authority to order a residential placement for an adjudicated juvenile delinquent residing in Nashua, Hudson, or Hollis in the facility for a period to be determined by the court, but not to exceed 90 days.

III. Notwithstanding any provision of RSA 169-B or 169-D to the contrary, the Nashua district court shall have the authority, prior to adjudication and disposition, to order residential placement of a juvenile in the facility to the extent necessary to provide immediate supervision and protect the safety or welfare of the juvenile or the person or property of another. The Nashua district court shall comply with the provisions of RSA 169-B and RSA 169-D for the adjudication and disposition of any juvenile placed in the pilot program prior to such adjudication or disposition.

IV. The authority of the Nashua district court to place a juvenile in the pilot program is subject to the criteria established by the regional youth center board for the admission of juveniles to the pilot program and the authority of the board to decline to accept or to remove any juvenile who does not meet those criteria.

7 Regional Youth Center Pilot Program; Certification; Termination.

I. The regional youth center facility shall be certified for the placement of minors pursuant to RSA 170-G:4, XVIII.

II. The Nashua regional youth center shall terminate on July 1, 2003, unless otherwise authorized by a subsequent act of the legislature.

8 Department of Youth Development Services and Department of Health and Human Services; Biennial Budgets. The department of youth development services shall submit a budget for the biennium ending June 30, 2003 which shall include financial responsibility for bed supervision for the regional youth center pilot facility established in this act. The department of health and human services shall include in its budget for the biennium ending June 30, 2003 the costs for the services and programs provided at the regional youth center for which the department is financially responsible.

9 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

10 Contingency. The provisions of this act establishing the pilot program shall only take effect upon the availability, from any source, of funds sufficient for the construction of a new facility, or renovation of an existing facility, which shall fulfill the needs of the pilot program. If such funds are not available, the provisions of this act shall not take effect.

11 Effective Date.

I. Sections 1-9 of this act shall take effect as provided in section 10.

II. The remainder of this act shall take effect upon passage.

**AMENDED ANALYSIS**

This bill establishes a regional youth center pilot program in the city of Nashua for the placement of certain juvenile offenders in a facility where the programs and services ordered by the court are provided by the local community.

Adopted.

Reps. Irene Pratt, Allison and Franks spoke against.

Rep. Gile spoke in favor.

Reps. Dowling and Lozeau spoke in favor and yielded to question.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 170 NAYS 172****YEAS 170****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Lawton, David
Thomas, John	Wendelboe, Francine	Wood, Jane	

**CARROLL**

Chandler, Gene	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Hunt, John	Manning, Joseph	Pratt, John	Riley, William
Robertson, Timothy	Royce, H Charles	Smith, Edwin	Zerba, Roger

**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Tholl, John, Jr
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Eaton, Stephanie	Ham, Bonnie
LaMott, Paul	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Solow, Martha			

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Calawa, Leon, Jr	Chabot, Robert	Clegg, Robert, Jr	Cote, Peter
Coughlin, Pamela	Craig, James	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fields, Dennis	Flora, Kathleen
Ford, Nancy	Foster, Linda	Gagnon, Eugene	Garrish, Linda
Ginsburg, Ruth	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Herman, Richard	Jean, Loren	Johnson, Lionel	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee	Martel, Andre
McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold
Mendenhall, Leslie	Mercer, Robert	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Sarette, John
Tate, Joan	Turgeon, Roland	Withee, Dennis	

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Davis, Francis
Feuerstein, Martin	Gile, Mary	Hager, Elizabeth	Hess, David

Jacobson, Alf  
Nichols, Avis  
Yeaton, Charles

Kennedy, Richard  
Owen, Derek

Leber, William  
Poulin, Dave

Marshall, Kenneth  
Whalley, Michael

## ROCKINGHAM

Arndt, Janet  
Cooney, Richard  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Hutchinson, Rebecca  
Letourneau, Robert  
O'Keefe, Patricia  
Priestley, Anne  
Splaine, James  
Welch, David

Belanger, Ronald  
Cox, Russell  
Downing, Michael  
Flanders, John, Sr  
Grant, Kenneth  
Johnson, Robert  
Lovejoy, Marian  
O'Neil, Michael  
Raynowska, Bernard  
Stone, Joseph  
Whittier, John

Bridle, Russell  
Dearborn, Bruce  
Fesh, Robert  
Francoeur, Sheila  
Griffin, Mary  
Katsakiores, George  
Morse, Charles  
Pantelakos, Laura  
Reardon, Neil  
Tufts, J Arthur  
Zolla, William

Christie, Andrew, Jr  
DiFruscia, Anthony  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Katsakiores, Phyllis  
Nowe, Ronald  
Pitts, Jacqueline  
Ruffner, Walter  
Weare, Everett

## STRAFFORD

Bickford, David  
Lent, Donald  
Woods, Phyllis

Brown, George  
McKinley, Robert

Grassie, Anne  
Musler, George

Knowles, William  
Spear, Barbara

## SULLIVAN

Burling, Peter

## NAYS 172

## BELKNAP

Holbrook, Robert  
Rice, Thomas

Johnson, James  
Rosen, Ralph

Lawton, Robert  
Salatiello, Thomas

Millham, Alida  
Turner, Robert

## CARROLL

Babson, David, Jr

Dickinson, Howard

Sullivan, P Judith

## CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Meader, David  
Roberts, William

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Rose, William

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Russell, Ronald

Doucette, Richard  
McGuirk, Paul  
Richardson, Barbara

## COOS

Hawkinson, Marie  
Rodrigue, Robert

Landers, Dana

Mears, Edgar

Pratt, Leighton

## GRAFTON

Almy, Susan  
Densmore, Jessica  
Hall, David  
Nordgren, Sharon

Brothers, Richard  
Dudley, Terri  
Harmon, Hobart  
Phinney, William

Cobb, John  
Gilman, G Michael  
Hinman, Harry  
Weber, Phil

Copenhaver, Marion  
Guest, Robert  
Johnson, Gary

## HILLSBOROUGH

Arthur, Rose  
Buckley, Raymond  
Clemons, Jane  
Fenton, James  
Gorman, Mary  
Holley, Sylvia

Baroody, Benjamin  
Burkush, James  
Cote, David  
Fletcher, Richard  
Haettenschwiller, Alphonse  
Keye, Harvey

Beaupre, Roland  
Carlson, Donald  
Drabinowicz, A  
Franks, Suzan  
Haley, Robert  
LaPorte, George

Bruno, Pierre  
Christiansen, Lars  
Dwyer, Paul, Sr  
Goley, Jeffrey  
Hall, Betty  
Leonard, Peter



Lynde, Harold  
McDonald, James, Sr  
Murphy, Robert  
Rowe, Robert  
Wall, Nancy

MacGillivray, Jeffrey  
McRae, Karen  
Ouellette, Dean  
Simon, Anthony  
White, Donald

Martin, Mary  
Messier, Irene  
Perkins, Paul  
Thulander, O Alan  
White, John

McCarthy, William  
Moriarty, Mary  
Reidy, Frank  
Vaillancourt, Steve

### MERRIMACK

Brewster, Richard  
Fortnam, Janet  
Marple, Richard  
Reardon, Tara  
St Cyr, Gerard  
Whittemore, James

Chase, George  
Fraser, Marilyn  
Maxfield, Roy  
Rodd, Beth  
Virtue, Carolyn

Crosby, Toni  
French, Barbara  
Moore, Carol  
Seldin, Gloria  
Wallin, Jean

Daneault, Gabriel  
Lockwood, Priscilla  
Potter, Frances  
Soltani, Tony  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Dolan, Richard  
Kobel, Rudolph  
McKinney, Betsy  
Quandt, Marshall  
Stritch, C Donald

Beaulieu, Jon  
Clark, Martha  
Hutchinson, Karen  
Langley, Jane  
Norelli, Terie  
Sapareto, Frank  
Varrell, Thomas

Bishop, Franklin  
Clark, Vivian  
Kane, Cecelia  
Langone, John  
Nowe, Mary Lou  
Shultis, Elizabeth  
Vaughn, Charles

Blanchard, MaryAnn  
Corbin, C David  
Kelley, Jane  
Major, Norman  
Putnam, Ed, II  
Stickney, Nancy  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Gilmore, Gary  
Lundborn, Raymond  
Snyder, Clair  
Twardus, Joseph

Brennan, William  
DeChane, Marlene  
Heon, Richard  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Brown, Julie  
Dunlap, Patricia  
Kaen, Naida  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Callaghan, Frank  
Estabrook, Iris  
Keans, Sandra  
Smith, Marjorie  
Torr, Franklin

### SULLIVAN

Allison, David  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Leone, Richard  
Tuthill, John

Donovan, Thomas, Jr  
McIntyre, Sara  
Wiggins, Celestine

Flint, Gordon, Sr  
Phinizy, James

and the report failed.

Rep. Kennedy moved that **HB 703-FN-A-L**, establishing a regional youth center pilot program in the city of Nashua and making an appropriation therefor, be Re-referred to Committee and spoke in favor. Rep. DiFruscia spoke in favor.

### LAID ON THE TABLE

Rep. Clemons moved that **HB 703-FN-A-L**, establishing a regional youth center pilot program in the city of Nashua and making an appropriation therefor, be laid on the table and spoke in favor. On a division vote, 201 members having voted in the affirmative and 141 in the negative, the motion was adopted.

### REGULAR CALENDAR – PART I (CONT'D.)

**SB 52**, requiring insurance coverage for infertility treatments. RE-REFER TO COMMITTEE

Rep. Joseph D. Kenney for Commerce: The committee felt this legislation needed further study to address male infertility treatment procedures, which the bill left out. Additionally, to determine the types of infertility medical procedures that should be covered under current technology. Lastly, to review the April 27, 1999 Equal Employment Opportunity Commission Ruling which determined infertility as a disability based on the provisions of the American with Disabilities Act of 1990 and Title VII of the 1964 Civil Rights Act, as amended by the Pregnancy Discrimination Act and how this might affect health insurance coverage under current New Hampshire law. Vote 14-0. Adopted.

**SB 93**, relative to self-service storage facility liens. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Tim S. McGough for Commerce: This bill, as amended, establishes a process by which an operator of a self-storage facility can recover past due rent and fees and prevent delinquent tenants from removing their belongings without first satisfying their debt. The new process also protects the consumer by prohibiting the operator from opening a locked unit and removing any items before a period of 30 days has passed. After 30 days past due, the operator may remove the items from the unit, but must notify the renter and keep the property for a minimum of an additional 28 days, longer if the property has a lien on it, before they may be auctioned to satisfy the debt. The amendment also defines under what criteria property stored in this type of facility can be deemed abandoned similar to current landlord-tenant abandoned property statutes. Vote 10-3.

#### **Amendment (1508h)**

Amend RSA 451-C:3 as inserted by section 1 of the bill by replacing it with the following:

451-C:3 Removal and Disposal of Personal Property. If any of the rent, charges, fees or expenses referred to in this chapter shall remain unpaid for 5 days, the owner may place a lock on the storage unit, in addition to any lock placed thereon by the occupant. The owner may deny access to the unit until the unpaid rent, charges, fees or expenses are paid in full by the occupant. If after 30 days, any of the rent, charges, fees or expenses shall remain unpaid, the owner may remove the occupant's lock as well as the owner's lock, remove any personal property from the unit and retain such personal property, and then, after first satisfying the notice provisions of RSA 451-C:4, RSA 451-C:5 and RSA 451-C:6, unless exempted by RSA 451-C:7, proceed to sell such personal property to satisfy the lien. Proceeds from the sale shall be distributed pursuant to RSA 451-C:6

Amend RSA 451-C:7 as inserted by section 1 of the bill by replacing it with the following:

#### **451-C:7 Abandoned Property.**

I. In the event that a storage unit is unlocked, and the rent on the unit is past due, and the entire contents of the unit has a total value under \$500, the property shall be deemed abandoned. Such property may then be removed from the self storage unit and shall be retained for 30 days. If after 30 days, the occupant does not claim such personal property and any of the rent charges, fees or expenses remain unpaid, and there is no lienholder of record, the owner may dispose of the property without notice to the occupant.

II. In the event that a storage unit is locked, and the rent on the unit is past due, and the entire contents of the unit has a total value under \$500, the property shall be deemed abandoned. If after 30 days, the occupant does not claim such personal property and any of the rent charges, fees or expenses remain unpaid, and there is no lienholder of record, the owner shall be exempt from the requirements of RSA 451-C:5 and RSA 451-C:6, may remove such property from the self storage unit, and dispose of the property without notice to the occupant.

Amend RSA 451-C as inserted by section 1 of the bill by inserting after RSA 451-C:9 the following new section:

451-C:10 Disclosure. An owner of a self storage facility shall disclose, in any rental agreement or lease, the terms and conditions of such rental agreement or lease and the notice provisions of RSA 451-C to an occupant before renting or leasing the storage unit.

Adopted.

Report adopted and ordered to third reading.

**SB 175-FN**, requiring insurance coverage for prescription contraceptive drugs and devices and for contraceptive services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Toni M. Crosby for Commerce: The Commerce Committee agrees with the Senate that insurance coverage for prescription contraceptive drugs, devices and services should be required. The amendment removes the somewhat controversial word "procedures" and clearly states that the coverage shall be subject to the terms and condition of the policy. This timely bill addresses the goal of preventing unwanted pregnancies in a cost effective manner. Vote 15-2.

#### **Amendment (1644h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring insurance coverage for prescription contraceptive drugs and prescription contraceptive devices and for contraceptive services.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 415 by inserting after section 18-h the following new section:

415:18-l Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Each insurer that issues or renews any group or blanket policy of accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

2 New Section; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-A by inserting after section 17-b the following new section:

420-A:17-c Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health service corporation and every other similar corporation licensed under the laws of a different state that issues or renews any group or blanket policy of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

3 New Section; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-B by inserting after section 8-g the following new section:

420-B:8-gg Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any policy of group or blanket health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any group or blanket health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

4 Effective Date. This act shall take effect on January 1, 2000.

### AMENDED ANALYSIS

This bill requires group insurance coverage for prescription contraceptive drugs and prescription contraceptive devices and for contraceptive services.

Adopted.

Rep. Martel spoke against.

Rep. Crosby spoke in favor and yielded to questions.

### MOTION TO LAY ON THE TABLE

Rep. Daniels moved that **SB 175-FN**, requiring insurance coverage for prescription contraceptive drugs and devices and for contraceptive services, be laid on the table

The motion failed.

Rep. Wendelboe moved Re-commit to Committee and spoke in favor.

Rep. Hunt spoke against.

The motion failed.

The question now being the adoption of the report.

Rep. MacGillivray requested a roll call; sufficiently seconded.

### YEAS 243 NAYS 85

#### YEAS 243

#### BELKNAP

Bartlett, Gordon  
Rice, Thomas  
Wood, Jane

Lawton, David  
Salatiello, Thomas

Lawton, Robert  
Thomas, John

Millham, Alida  
Turner, Robert

#### CARROLL

Babson, David, Jr  
Patten, Betsey

Chandler, Gene  
Sullivan, P Judith

Dickinson, Howard

MacDonald, Kenneth

#### CHESHIRE

Batchelder, Robert  
Doucette, Richard  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy  
Zerba, Roger

Blaisdell, Michael  
Hunt, John  
Manning, Joseph  
Pratt, John  
Royce, H Charles

Burnham, Daniel  
Lerandean, Alfred  
Meador, David  
Richardson, Barbara  
Russell, Ronald

DePecol, Benjamin  
Lynch, Margaret  
Mitchell, McKim  
Riley, William  
Smith, Edwin

#### COOS

Guay, Lawrence  
Mears, Edgar  
Tholl, John, Jr

Hawkinson, Marie  
Merrill, Gerald

Horton, Lynn  
Pratt, Leighton

Landers, Dana  
Rodrigue, Robert

#### GRAFTON

Akins, Ralph  
Densmore, Jessica  
Johnson, Gary  
Nordgren, Sharon

Almy, Susan  
Dudley, Terri  
LaMott, Paul  
Phinney, William

Cobb, John  
Eaton, Stephanie  
MacNeil, Allen  
Solow, Martha

Copenhaver, Marion  
Ham, Bonnie  
Marshall, Gene

#### HILLSBOROUGH

Ahern, Richard  
Belvin, William  
Burkush, James  
Cote, David  
Dalianis, Griffin  
Emerton, Lawrence  
Flora, Kathleen  
Ginsburg, Ruth  
Haettenschwiller, Alphonse

Andrews, Frederick  
Bergeron, Lucien  
Calawa, Leon, Jr  
Cote, Peter  
Desmarais, Vivian  
Fenton, James  
Ford, Nancy  
Goley, Jeffrey  
Haley, Robert

Arthur, Rose  
Bergin, Peter  
Christiansen, Lars  
Coughlin, Pamela  
Durham, Susan  
Fields, Dennis  
Foster, Linda  
Gorman, Mary  
Hall, Betty

Baroody, Benjamin  
Buckley, Raymond  
Clemons, Jane  
Craig, James  
Dyer, Merton  
Fletcher, Richard  
Garrish, Linda  
Goulet, Maurice  
Hansen, Herbert

Herman, Keith  
Konys, Christine  
Lynde, Harold  
McDonough-Wallace, Alice  
Messier, Irene  
Nolan-Piteri, Dawn  
Reeves, Sandra  
Simon, Anthony  
White, John

Herman, Richard  
Lasky, Bette  
Martin, Mary  
Melcher, Harold  
Moriarty, Mary  
O'Hearn, Jane  
Reidy, Frank  
Thulander, O Alan  
Withee, Dennis

Johnson, Lionel  
Leishman, Peter  
McCarthy, William  
Mendenhall, Leslie  
Mosher, William  
Pappas, Marc  
Rowe, Robert  
Vaillancourt, Steve

Keye, Harvey  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Peterson, Andrew  
Sarette, John  
Wall, Nancy

### MERRIMACK

Anderson, Eric  
Crosby, Toni  
Fortnam, Janet  
Jacobson, Alf  
Maxfield, Roy  
Poulin, Dave  
Virtue, Carolyn  
Whittemore, James

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Leber, William  
Moore, Carol  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Lockwood, Priscilla  
Nichols, Avis  
Rodd, Beth  
Wallner, Mary Jane

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Clark, Martha  
DiFruscia, Anthony  
Gibbons, Paul  
Hutchinson, Rebecca  
Kobel, Rudolph  
Morse, Charles  
O'Neil, Michael  
Raynowska, Bernard  
Stickney, Nancy  
Weyler, Kenneth

Beaulieu, Jon  
Bridle, Russell  
Clark, Vivian  
Dowling, Patricia  
Gleason, John  
Johnson, Robert  
Langley, Jane  
Norelli, Terie  
Pitts, Jacqueline  
Sapareto, Frank  
Stritch, C Donald  
Whittier, John

Belanger, Ronald  
Case, Margaret  
Cooney, Richard  
Flanagan, Natalie  
Griffin, Mary  
Kane, Cecelia  
Lovejoy, Marian  
Nowe, Ronald  
Priestley, Anne  
Shultis, Elizabeth  
Tufts, J Arthur

Bishop, Franklin  
Christie, Andrew, Jr  
Dearborn, Bruce  
Francoeur, Sheila  
Henderson, Warren  
Kelley, Jane  
McKinney, Betsy  
O'Keefe, Patricia  
Quandt, Marshall  
Splaine, James  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
Brown, Julie  
Grassie, Anne  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

Bickford, David  
DeChane, Marlene  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Spear, Barbara  
Vincent, Francis

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Lundborn, Raymond  
Smith, Marjorie  
Taylor, Kathleen

Brown, George  
Estabrook, Iris  
Keans, Sandra  
Musler, George  
Snyder, Clair  
Twardus, Joseph

### SULLIVAN

Burling, Peter  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Kibbey, David  
Tuthill, John

Donovan, Thomas, Jr  
McIntyre, Sara  
Wiggins, Celestine

Flint, Gordon, Sr  
Phinizz, James

### NAYS 85

### BELKNAP

Boriso, Thomas  
Rosen, Ralph

Boyce, Robert  
Wendelboe, Francine

Holbrook, Robert

Johnson, James

### CARROLL

Howard, Godfrey  
Philbrick, Donald

Kenney, Joseph

Lyman, L Randy

Mock, Henry

**CHESHIRE**

Roberts, William

Rose, William

**COOS**

None

**GRAFTON**

Alger, John

Brothers, Richard

Gilman, G Michael

Hall, David

Harmon, Hobart

Hinman, Harry

Ward, Brien

Weber, Phil

**HILLSBOROUGH**

Arnold, Thomas, Jr

Batula, Peter

Beaupre, Roland

Brundige, Robert

Bruno, Pierre

Carlson, Donald

Chabot, Robert

Clegg, Robert, Jr

Daniels, Gary

Desrosiers, William

Drabinowicz, A

Dwyer, Paul, Sr

Gagnon, Eugene

Holley, Sylvia

Jean, Loren

Kurk, Neal

L'Heureux, Robert

LaPorte, George

LaRose, Richard

Leonard, Peter

Lessard, Rudy

MacGillivray, Jeffrey

Martel, Andre

McDonald, James, Sr

McGough, Tim

McRae, Karen

O'Connell, Timothy

Ouellette, Dean

Pepino, Leo

Turgeon, Roland

White, Donald

**MERRIMACK**

Asplund, Bronwyn

Marple, Richard

Soltani, Tony

St Cyr, Gerard

**ROCKINGHAM**

Arndt, Janet

Corbin, C David

Cox, Russell

Dolan, Richard

Downing, Michael

Fesh, Robert

Flanders, David

Flanders, John, Sr

Grant, Kenneth

Katsakiores, George

Katsakiores, Phyllis

Langone, John

Letourneau, Robert

Major, Norman

Nowe, Mary Lou

Packard, Sherman

Putnam, Ed, II

Reardon, Neil

Ruffner, Walter

Varrell, Thomas

Weare, Everett

Welch, David

Zolla, William

**STRAFFORD**

Callaghan, Frank

Cossette, Larry

McKinley, Robert

Wall, Janet

Woods, Phyllis

**SULLIVAN**

Leone, Richard

and the report was adopted.

Ordered to third reading.

Rep. Janet Wall voted Nay and intended to vote Yea.

**SB 222-FN-A-L**, relative to guarantee of loans to local development organizations. **OUGHT TO PASS**  
 Rep. Keith R. Herman for Commerce: This bill establishes additional bonding authority for the Business Finance Authority to guarantee loans to local development corporations. This is important economic development legislation and the committee hopes it will survive the Finance Committee since it requires an appropriation of \$3,000,000. Vote 13-0.  
 Adopted and referred to Finance.

**SB 122**, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence. **INEXPEDIENT TO LEGISLATE**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill as introduced is essentially the same bill as SB 181, which was introduced in 1997. The committee felt that passage of SB 122 would undermine New Hampshire Truth in Sentencing laws. An inmate could receive a reduction of their minimum sentence under SB 122 for offenses such as all felony drug offenses under RSA Chapter 318-B; felony stalking, RSA 633:3(a)VI(a) and felony interference with custody, RSA 633:4.I. The committee felt that it is important for the victims to know that the accused will serve the sentence imposed by the judge. Also, if SB 122 passed judges would make sure their sentences reflected available good time credits. For example instead of sentencing 2-4 years as they would in

current law, they would sentence 3 ½ to 7 if there were good time credits available. This way they would be sure that the accused would serve a specific amount of time. Another concern for the committee was that if SB 122 became law, word would travel fast that New Hampshire sentences were more lenient and this would attract a criminal element from another state to New Hampshire. SB 122 is a step backwards for Truth in Sentencing, which has been partially responsible for the declining rate of crime in New Hampshire. Vote 15-3.

Adopted.

### MOTION TO SPECIAL ORDER

Rep. Welch moved that **SB 227-FN**, establishing a gambling business felony be made a Special Order for the next session day in the Regular Calendar order, and spoke in favor.

Adopted.

### REGULAR CALENDAR – PART I (CONT'D.)

**HB 599-FN-A**, relative to initiating a centralized voter checklist and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill as introduced established a new Assistant Secretary of State at \$32,000 and appropriated \$100,000 to hire consultants to work on the development of a centralized voter checklist. This amendment replaces the bill completely and expands the duties of the committee established by SB 124 studying the integration of technology at the state, county and municipal levels to include integration of technology necessary to develop a statewide voter registration database. A member of the House Election Law Committee will serve on this committee. Vote 14-4.

#### Amendment (1616h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the integration of technology at the state, county, and municipal levels.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study integration of technology at the state, county, and municipal levels.

2 Membership and Compensation.

1. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Five members of the house of representatives, at least one of whom shall be a member of the municipal and county government committee, at least one of whom shall be a member of the science, technology and energy committee, and at least one of whom shall be a member of the election law committee, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall investigate specific measures which would promote the integration of technology at the state, county, and municipal levels for the mutual benefit of all entities and the citizens of the state of New Hampshire. Among the issues included in its study shall be the identification and integration of technology necessary to develop a statewide voter registration database. In conducting its research, the committee shall seek input from the department of administrative services, division of information technology management, in terms of specific technology applications that the state of New Hampshire is deploying or desires to deploy at the county and/or local level and the New Hampshire Association of Counties and the New Hampshire Municipal Association for their perspective on municipal technology needs. In addition, the committee shall seek the input from the oversight committee on telecommunications, which is considering the feasibility and cost-effectiveness of installing certain high-speed telecommunications lines.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1999.

6 Contingency; Provisions of SB 124 Not to Take Effect. If SB 124 of the 1999 regular legislative session becomes law, its provisions shall not take effect.

7 Contingency. If SB 124 of the 1999 regular legislative session becomes law, sections 1-5 of this act shall take effect upon its passage. If SB 124 of the 1999 regular legislative session does not become law, sections 1-5 of this act shall not take effect.

8 Effective Date.

I. Sections 1-5 of this act shall take effect as provided in section 7 of this act.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study the integration of technology at the state, county, and municipal levels.

Adopted.

Report adopted and ordered to third reading.

**SB 53-FN**, relative to licensure of physicians providing teleradiology services in this state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill, as amended, establishes the first step in statute of telemedicine in New Hampshire. It deals only with the teleimaging of x-rays. It provides that an x-ray be read by a physician licensed in New Hampshire. It does, however, allow a New Hampshire radiologist to teleimage an x-ray to a consultant radiologist in another jurisdiction. The New Hampshire physician still has the responsibility for the patients' diagnosis and treatment. Vote 18-0.

#### Amendment (1545h)

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The general court finds that when appropriately utilized, teleradiology may improve access to radiological evaluations and interpretations and thus significantly improve patient care. Out-of-state physicians who provide radiological services via teleradiology to New Hampshire citizens should be held to the same standard of care as New Hampshire licensed physicians; therefore, to assure quality and accountability, such out-of-state physicians shall be required to obtain a New Hampshire medical license.

2 New Section; Teleradiology. Amend RSA 329 by inserting after section 1-a the following new section:

329:1-b Practice of Teleradiology.

I. In this section, "Teleradiology" means the evaluation, interpretation, or consultation by the electronic transmission of radiological images from one location to another.

II. Any out-of-state physician providing radiological services who performs radiological diagnostic evaluations or interpretations for New Hampshire patients by means of teleradiology shall be deemed to be in the practice of medicine and shall be required to be licensed under this chapter.

III. This section shall not apply to out-of-state radiologists who provide consultation services pursuant to RSA 329:21, II.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires the licensure as physicians of out-of-state radiologists who provide teleradiology services in this state.

Adopted.

Report adopted and ordered to third reading.

**SB 115**, relative to participation by certain judges in the state employee group health and dental insurance programs. **INEXPEDIENT TO LEGISLATE**

Rep. Michael O'Neil for Executive Departments and Administration: This bill would allow participation by certain judges at their own expense in the state employees group health and dental insurance program. Members of the judiciary agreed that the interest level in such a plan was insufficient to warrant implementation. Vote 11-6.

Adopted.



**SB 186-FN**, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Ray F. Langer for Executive Departments and Administration: This bill increases the minimum service retirement allowance from Group II, Police and Firemen, from \$5,200 to \$7,500. This will provide to any Group II member, on a service retirement, an allowance of \$7,500. The beneficiaries shall receive a 50% benefit allowance if the retiree selected a beneficiary before retirement. It also includes a requirement that a spouse must acknowledge any election or change in the benefit chosen by the retired member. As of this date, the spouse did not have to be informed as to any arrangements made by the retiree regarding optional retirement allowance. The total actuarial cost of this additional allowance shall be terminally funded from the special account at a cost of approximately 8 million. The amendment also repeals the social security benefit reduction. Vote 15-0.

### **Amendment (1674h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance.

Amend the bill by replacing section 1 with the following:

1 Service Retirement; Group II; Minimum Allowance Increased. Amend RSA 100-A:5, II (c) (1) to read as follows:

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who has retired on a full service retirement allowance shall receive a minimum service retirement allowance of [~~\$5,200~~] **\$7,500**. In comparing the minimum service retirement allowance and the full service retirement allowance, the full service retirement allowance shall be the sum of the basic allowance plus COLA's. The provisions of this subparagraph shall not apply to a group II member who has retired on a reduced or on a vested deferred retirement allowance. In the case of a group II member who has retired on a full service retirement allowance, and who has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the [~~\$5,200~~] **\$7,500** which shall be based upon the optional allowance which the surviving spouse is receiving. Under no circumstances shall the provisions of this subparagraph be construed to reduce the retirement benefits being paid to a group II member as of the effective date of this subparagraph.

Amend the bill by replacing all after section 2 with the following:

3 Funding of Minimum Allowances. The total actuarial cost of the additional allowances provided in RSA 100-A:5, II(c)(1) as inserted by section 1 of this act shall be funded on a terminal basis from the special account established in RSA 100-A:16, II(h).

4 Repeal. RSA 100-A:5, II(c)(2) and (3), relative to the reduction in minimum service retirement allowance due to federal social security benefits or other benefits, are repealed.

5 Effective Date. This act shall take effect September 1, 1999.

### **AMENDED ANALYSIS**

This bill increases the minimum allowance to retired group II members.

This bill also requires a spousal acknowledgment for an election or change of an optional allowance.

Adopted.

Report adopted and referred to Finance.

**SB 198-FN**, relative to certification of persons installing and servicing propane gas and heating oil equipment. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Executive Departments and Administration: After many attempts to enact legislation to license persons installing and servicing residential and commercial propane gas and heating oil equipment this bill enables the State Fire Marshall to establish a voluntary certification program. There will be an eleven member advisory committee established to assist the State Fire Marshall in developing rules and implementing the program. This bill provides for sunset repeal in three years so that the effectiveness of voluntary certification can be evaluated. Vote 15-3.

**Amendment (1516h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment.

Amend the bill by replacing all after the enacting clause with the following:

1 Certification of Heating Equipment Installers, Heating Equipment Service Personnel and Gas Piping Installers; Penalty.

I. The state fire marshal shall establish a voluntary certification program for certifying the following:

(a) Individuals involved in the installation of residential and commercial heating equipment systems or domestic water heating systems using heating oil, liquefied petroleum gas (propane) or natural gas.

(b) Individuals involved in the servicing and repair of heating equipment and domestic water heating systems using heating oil, liquefied petroleum gas or natural gas.

(c) Individuals involved in the installation of gas piping for heating systems or domestic water heating systems using natural gas or liquefied petroleum gas.

II. The state fire marshal, with the approval of the commissioner of safety, shall adopt rules, pursuant to RSA 541-A, relative to the establishment of minimum educational and training standards for voluntarily certified heating equipment installers, heating equipment service personnel, and gas piping installers.

III. The state fire marshal shall adopt rules, which shall not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under this section. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year.

IV. Whoever falsely claims to be certified under this section through advertising, signage, or verbal representation shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

2 Advisory Committee on Heating System Certification.

I. There is established a heating system certification advisory committee appointed by the governor with the advice and consent of the council.

II. The advisory committee shall assist the state fire marshal in carrying out the duties assigned under section 1 of this act by providing advice regarding:

(a) Developing rules under paragraph II of section 1 of this act.

(b) Implementing the certification program under section 1 of this act.

III. The advisory committee shall include:

(a) Two representatives of New Hampshire propane gas supply companies.

(b) Two representatives of New Hampshire natural gas utility companies.

(c) Two representatives of the oil heat industry, one recommended by the Better Home Heating Council of New Hampshire, and one recommended by the New Hampshire chapter of the National Association of Oil Heating Service Managers.

(d) Two representatives of the mechanical trades, one recommended by the New Hampshire chapter of the National Plumbing, Heating and Cooling Contractors Association, or its successor organization, and one recommended by the New Hampshire chapter of the Propane Gas Association of New England.

(e) One individual experienced in the training and education of heating system installers, recommended by the commissioner of the regional community-technical colleges.

(f) One representative of the New Hampshire Association of Fire Chiefs, recommended by the association.

(g) Two individuals from the public-at-large.

3 Repeal. Sections 1 and 2 of this act, relative to a program for voluntary certification of persons installing or servicing propane gas or heating oil equipment, are repealed.

4 Effective Date.

I. Section 3 of this act shall take effect September 1, 2002.

II. The remainder of this act shall take effect September 1, 1999.

## AMENDED ANALYSIS

This bill establishes within the office of the state fire marshal a 3-year voluntary certification program for persons installing or servicing heating fuels or heating fuel equipment.

This bill provides penalties for those who falsely claim to be certified heating equipment installers, heating equipment service personnel and gas piping installers.

This bill also establishes an advisory committee to provide advice to the state fire marshal in carrying out the fire marshal's duties under this act.

The provisions of this bill are repealed 3 years after adoption.  
Adopted.

Report adopted and ordered to third reading.

**SB 224**, relative to stenographic records and availability of transcripts of adjudicative hearings before licensing boards. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill, as amended, clarifies a process for an adjudicative hearing for an occupational licensee. It provides that if a licensee is ordered to appear before a disciplinary board, the notice must contain the following: (a) the licensee has the right to have an attorney to represent himself/herself (at the party's expense), and (b) that the licensee has the right to request, at their expense, a certified court stenographer to record the hearing. If the licensee does request a certified court reporter, said request must be submitted to the hearing board in writing at least 10 days prior to the proceeding. In the case of a contested decision that might be appealed to a higher jurisdiction, the licensee has at least 60 days to request the transcription of the entire proceeding (at the requesting party's expense). This bill helps to strengthen the disciplinary hearing by both parties. Vote 14-0.

**Amendment (1598h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to notice requirements and recording of hearings in contested cases and relative to records and availability of transcripts of adjudicative hearings on occupational licensing.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraphs; Contested Cases in Adjudicative Proceedings; Notice Requirements. Amend RSA 541-A:31, III by inserting after subparagraph (d) the following new paragraphs:

(e) A statement that each party has the right to have an attorney present to represent the party at the party's expense.

(f) For proceedings before an agency responsible for occupational licensing as provided in paragraph VII-a, a statement that each party has the right to have the agency provide a certified shorthand court reporter at the party's expense and that any such request be submitted in writing at least 10 days prior to the proceeding.

2 Contested Cases; Record of Oral Proceedings. Amend RSA 541-A:31, VII to read as follows:

VII. The entirety of all oral proceedings shall be recorded verbatim *by the agency and such record shall be available pursuant to RSA 91-A for at least 60 days after the decision or order.* Upon the request of any party or upon the agency's own initiative, such record shall be transcribed *by the agency* if the requesting party or agency shall ~~first~~ pay all reasonable costs for such transcription. *Any party may record an oral proceeding, have a transcription made at the party's expense, or both, but only the transcription made by the agency from its verbatim record shall be the official transcript of the proceeding.*

3 New Paragraph; Occupational Licensing Proceeding; Certified Shorthand Court Record. Amend RSA 541-A:31 by inserting after paragraph VII the following new paragraph:

VII-a. At the request of a party in any oral proceeding involving disciplinary action before an agency responsible for occupational licensing except for an emergency action under RSA 541-A:30, III, the record of the proceeding shall be made by a certified shorthand court reporter provided by the agency at the requesting party's expense. A request shall be submitted to the agency in writing at least 10 days prior to the day of the proceeding. If a transcript is not provided within 60 days of a request by a person who is a respondent party in a disciplinary proceeding before an agency responsible for occupational licensing, the proceeding shall be dismissed with prejudice.

4 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill adds notice requirements and provides that a stenographic record shall be made by a certified shorthand court reporter in an agency adjudicative proceeding on occupational licensing, upon the request of a party to the proceeding, and requires dismissal of a complaint if a transcript is not provided.

Adopted.

Report adopted and ordered to third reading.

**SB 108**, relative to the co-management of patients with primary open-angle glaucoma and establishing a glaucoma co-management committee. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Francine Wendelboe for the Majority of Health, Human Services and Elderly Affairs: This bill, as amended by the Senate, was requested by the prime sponsor to be found ITL. The optometrists also strongly objected to the amended Senate version. The Medical Society supported co-management and mandatory referral to an ophthalmologist when glaucoma was even "suspected". The optometrists strongly asked we vote ITL as well. Vote 14-5.

Rep. James Pilliod for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee supported "ought to pass" because this bill requires patients of optometrists who are suspected of having glaucoma (the #1 cause of blindness) to be seen and evaluated by an ophthalmologist within 30 days. This bill provides for the optional co-management of patients with primary open-angle glaucoma by optometrists and ophthalmologists. It also creates a two-year study of the co-management of glaucoma patients, which was modeled after a law in Maine. The study follows a standard "medical model" whereby optometrists would be able to demonstrate their skills at diagnosing and recommending appropriate treatment for the glaucoma patients being co-managed. Every two years, legislators are placed in the awkward position of trying to decide how far to expand the optometric scope of practice based on anecdotal evidence. The study will create factual data about optometrists' skill level, upon which any future legislation can be based.

Majority report adopted.

Rep. Lasky declared a conflict of interest and did not participate.

**SB 214-FN**, relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board. OUGHT TO PASS WITH AMENDMENT

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: This bill lowered the dollar threshold at which hospitals or surgery centers would have to go through the Certificate Of Need process for outpatient surgery to \$250,000. Several hospitals expressed strong concerns about a figure this low negatively impacting their operation. The current threshold is \$1.5 million for hospital outpatient surgery and \$1 million (plus inflation index) for ambulatory surgery centers. The House position, as passed under HB 657, leveled the playing field and made the threshold equal for both at \$1.25 million. The committee voted to amend SB 214 to the same language of HB 657 to hopefully get to a committee of conference. Although the two bills are far apart on the threshold figure, the committee saw several positive areas in the bill as it came from the Senate and hopes to include them in the committee of conference. Vote 15-6.

## Amendment (1578h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the health services planning and review board and the certificate of need process.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Findings; Public Interest; Review and Assessment of New Health Services. Amend RSA 151-C:1, III to read as follows:

III. The state has an interest in promoting and stimulating *competition and* collaboration among providers in the health care marketplace as a means of managing the increases in health care costs.

2 Members of the Board. Amend RSA 151-C:3, I(a)(2)(B) and (C) to read as follows:

(B) [~~Three~~] **Four** consumers, each from a different region of the state. For the purposes of this subparagraph "consumer" means an individual whose occupation is not in the delivery of health care services, who has no fiduciary obligation or financial interest in any health care facility or health care insurer licensed or regulated by this state, and who is not related in their immediate family to anyone who is involved in the delivery of health care services or health insurance.

(C) ~~[Two]~~ **Three** providers whose occupation is in the delivery of health care services regulated by the board. One of these providers shall be nominated by the New Hampshire Hospital Association. The ~~[other]~~ **second** provider shall be nominated by the New Hampshire Health Care Association. ***The third provider shall be nominated by the New Hampshire Ambulatory Surgery Association.***

3 Terms. Amend RSA 151-C:3, I(b) to read as follows:

(b) The commissioner of the department of health and human services or designee shall serve as the only permanent member of the board. All other members of the board shall serve only for one 3-year term, provided that of the initial members, the representative of health care insurers and one consumer shall serve for one year, one consumer and one provider shall serve for 2 years and one consumer and one provider shall serve for 3 years. ***Members of the board are not eligible for reappointment upon expiration of their terms.***

4 Staff; Meetings. Amend RSA 151-C:3, VII to read as follows:

VII. (a) The commissioner of the department of health and human services shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director who shall oversee the staff and act as liaison between the commissioner and the board. ***The staff director shall also testify at public hearings to defend staff analyses and recommendations to the board.*** The commissioner shall also provide space for the board and staff and other assistance and materials as necessary; ***provided, that all meetings of the board shall take place on government property owned or leased by the state of New Hampshire. Notwithstanding this subparagraph or any other provision of law to the contrary, the staff members shall report to the board***

(b) The staff director shall account to the commissioner of the department of health and human services for the administration of funds allocated under this chapter, for the conduct of the staff, and shall timely and appropriately execute his ***or her*** duties.

5 Expenditure Decreased. Amend RSA 151-C:5, II(a) to read as follows:

(a) The construction, development, expansion, or alteration of any acute care facility requiring a capital expenditure of more than ~~[\$1,500,000]~~ ***\$1,250,000.*** ~~[The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.]~~ ***Beginning in 2000, and using that year as a base, the capital expenditure threshold shall be adjusted annually by the rate of change in the Consumer Price Index for medical care in New Hampshire as reported by the Bureau of Labor Statistics of the United States Department of Labor.***

6 Expenditure Increased. Amend RSA 151-C:5, II(f) to read as follows:

(f) The construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than ~~[\$1,000,000]~~ ***\$1,250,000.*** ~~[The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.]~~ ***Beginning in 2000, and using that year as a base, the capital expenditure threshold shall be adjusted annually by the rate of change in the Consumer Price Index for medical care in New Hampshire as reported by the Bureau of Labor Statistics of the United States Department of Labor.***

7 Definition. Amend RSA 151-C:2, I to read as follows:

I. "Ambulatory surgical facility" means a facility ~~[which is not physically attached to a health care facility and]~~ which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

8 Definition; Major New Facilities. Amend RSA 151-C:2, XXV to read as follows:

XXV. "Major new facilities" means the construction, development, or other establishment of a new health care facility, the total cost of which is in excess of ~~[\$1,000,000]~~ ***\$1,250,000.***

9 Effective Date. This act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill requires the health services planning and review board to meet on government property owned by the state of New Hampshire. For the purposes of certificate of need, the bill increases the expenditure for certain proposed new facilities from \$1,000,000 to \$1,250,000 and decreases the expenditure for acute care facilities from \$1,500,000 to \$1,250,000.

The bill also requires the staff appointed to serve the board to report to the board.

Adopted.

Report adopted and ordered to third reading.

**SB 85-FN**, including the judiciary as a public employer under the public employee labor relations act. **RE-REFER TO COMMITTEE**

Rep. John M. Pratt for Judiciary: This is a bill which would give 575 non-judicial employees of the court system the right to collective bargaining. In spite of a proposed amendment which could have addressed some of the committee's concerns, the committee believes there were too many issues, including constitutional ones, to pass this bill at this time. The \$36,000 fiscal impact on the budget of the judicial system was of major concern to some members of the committee. The idea is of sufficient importance to justify a more detailed study. Vote 15-3.  
Adopted.

**SB 82**, relative to the termination of employees. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy W. Wall for Labor, Industrial and Rehabilitative Services: This bill requires employers to provide terminated employees, who have been employed 6 months or more, with a written reason for termination upon the request of the terminated employee (within 30 days after the termination). The majority of the committee feels that the current "at will" status in NH works well; that the additional burdens of expense, work and court costs are not warranted; that records are open and available at the Department of Employment Security; that there are many "unintended consequences". Vote 12-5.

Rep. Mears spoke against.

Rep. Daniels spoke in favor and yielded to questions.

Rep. Mears requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 198 NAYS 133

### YEAS 198

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Holbrook, Robert
Johnson, James	Lawton, David	Lawton, Robert	Millham, Alida
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine	Wood, Jane		

#### CARROLL

Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

#### CHESHIRE

Hunt, John	Lerandeau, Alfred	Lynott, Margaret	Manning, Joseph
Roberts, William	Rose, William	Royce, H Charles	Smith, Edwin
Zerba, Roger			

#### COOS

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			

#### GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	LaMott, Paul	MacNeil, Allen
Marshall, Gene	Phinney, William	Ward, Brien	Weber, Phil

#### HILLSBOROUGH

Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary

Desmarais, Vivian  
Fenton, James  
Ford, Nancy  
Hansen, Herbert  
Jean, Loren  
Leishman, Peter  
Martel, Andre  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pappas, Marc  
Sarette, John  
Withee, Dennis

Desrosiers, William  
Fields, Dennis  
Gagnon, Eugene  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Messier, Irene  
O'Connell, Timothy  
Peterson, Andrew  
Thulander, O Alan

Dyer, Merton  
Fletcher, Richard  
Ginsburg, Ruth  
Herman, Richard  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Mosher, William  
O'Hearn, Jane  
Reeves, Sandra  
Wall, Nancy

Emerton, Lawrence  
Flora, Kathleen  
Goulet, Maurice  
Holley, Sylvia  
LaRose, Richard  
MacGillivray, Jeffrey  
McRae, Karen  
Murphy, Robert  
Ouellette, Dean  
Rowe, Robert  
White, Donald

## MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Marshall, Kenneth  
Soltani, Tony

Asplund, Bronwyn  
Leber, William  
Maxfield, Roy  
Whalley, Michael

Brewster, Richard  
Lockwood, Priscilla  
Nichols, Avis  
Whittemore, James

Feuerstein, Martin  
Marple, Richard  
Poulin, Dave

## ROCKINGHAM

Arndt, Janet  
Christie, Andrew, Jr  
Cox, Russell  
Dowling, Patricia  
Flanders, David  
Grant, Kenneth  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Ruffner, Walter  
Tufts, J Arthur  
Weyler, Kenneth

Beaulieu, Jon  
Clark, Vivian  
Dearborn, Bruce  
Downing, Michael  
Flanders, John, Sr  
Griffin, Mary  
Katsakiores, Phyllis  
Lovejoy, Marian  
Nowe, Mary Lou  
Putnam, Ed, II  
Sapareto, Frank  
Varrell, Thomas  
Whittier, John

Belanger, Ronald  
Cooney, Richard  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila  
Henderson, Warren  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Raynowska, Bernard  
Stickney, Nancy  
Weare, Everett  
Zolla, William

Case, Margaret  
Corbin, C David  
Dolan, Richard  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
Packard, Sherman  
Reardon, Neil  
Stritch, C Donald  
Welch, David

## STRAFFORD

Bickford, David  
Kaen, Naida  
Torr, Franklin

Brown, Julie  
McKinley, Robert  
Vincent, Francis

Cossette, Larry  
Musler, George  
Wall, Janet

Dunlap, Patricia  
Spear, Barbara  
Woods, Phyllis

## SULLIVAN

Flint, Gordon, Sr

Jones, Constance

Kibbey, David

Leone, Richard

## NAYS 133

## BELKNAP

Salatiello, Thomas

## CARROLL

Bradley, Jeb

## CHESHIRE

Batchelder, Robert  
Doucette, Richard  
Mitchell, McKim  
Robertson, Timothy

Blaisdell, Michael  
Lynch, Margaret  
Pratt, Irene  
Russell, Ronald

Burnham, Daniel  
McGuirk, Paul  
Pratt, John

DePecol, Benjamin  
Meader, David  
Richardson, Barbara

## COOS

Hawkinson, Marie

Landers, Dana

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Ham, Bonnie
Johnson, Gary	Nordgren, Sharon	Solow, Martha	

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Buckley, Raymond	Burkush, James	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Drabinowicz, A	Dwyer, Paul, Sr
Foster, Linda	Garrish, Linda	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Leonard, Peter	Lynde, Harold	Martin, Mary	McCarthy, William
McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Moriarty, Mary	Pepino, Leo	Reidy, Frank	Simon, Anthony
Turgeon, Roland	Vaillancourt, Steve	White, John	

**MERRIMACK**

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Hess, David	Moore, Carol	Potter, Frances
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Clark, Martha
Gibbons, Paul	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Langone, John	Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall	Shultis, Elizabeth
Splaine, James	Vaughn, Charles		

**STRAFFORD**

Beube, Roger	Brennan, William	Brown, George	Callaghan, Frank
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Keans, Sandra	Knowles, William	Lent, Donald	Lundborn, Raymond
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
McIntyre, Sara	Phinizz, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			

and the report was adopted.

**HB 457**, extending the committee to study electric rate reduction financing. RE-REFER TO COMMITTEE

Rep. John H. Thomas for Science, Technology and Energy: There has been a Memorandum of Understanding between the Governor of the State of New Hampshire and Public Service Company of New Hampshire that includes a number of components, one of which is legislative review and approval of securitization. There are two bills currently before the Senate, one being HB 464, which deals with securitization. Therefore, the committee preferred to re-refer this bill for study. Vote 15-0. Adopted.

**SB 20**, relative to the sale or resale of tickets to motor sports events at the New Hampshire International Speedway. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill addresses a concern the New Hampshire International Speedway is having regarding individuals selling and replicating counterfeit tickets to speedway events. The bill would have prevented individuals from scalping tickets within



15 miles of the speedway. The committee found that prohibiting scalping could not prevent the problems of counterfeiting. Therefore, the committee worked with the sponsors to devise a solution which would make all parties happy. The amendment makes it a violation to stop or flag down any vehicle on a public way for the sole purpose of selling a ticket to an entertainment or sports event. Vote 13-1.

### **Amendment (1643h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to soliciting or selling tickets to entertainment or sports events on public ways.

Amend the bill by replacing section 1 with the following:

§ 1 New Paragraph; Prohibition on Stopping Vehicles to Solicit Ticket Sales. Amend RSA 265:40 by inserting after paragraph III the following new paragraph:

IV. No person shall signal a moving vehicle or stop a vehicle on any public way in order to solicit or sell a ticket of admission to an entertainment or sports event.

### **AMENDED ANALYSIS**

This bill prohibits the signaling or stopping of a vehicle on a public way in order to solicit or sell tickets of admission to entertainment or sports events.

Adopted.

Rep. Kennedy spoke against.

Reps. Buckley, Keith Herman and Hunt spoke in favor.

Report adopted and ordered to third reading.

**HB 537**, relative to background checks for firearms purchases. **OUGHT TO PASS**

Rep. Robert G. Holbrook for Finance: This bill authorizes the Department of Safety to perform background checks for firearm purchases with costs of checks being funded by federal funds or from the Department's existing budget. This bill also stresses the need of confidentiality when any checks are completed. If federal funds do not become available, in the next session gun owners may be asked to pay a fee to cover the cost of background check. Vote 23-0.

Reps. Marple and Weber spoke against.

Rep. Welch spoke in favor and yielded to questions.

Rep. Marple requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### **YEAS 234 NAYS 85**

#### **YEAS 234**

#### **BELKNAP**

Boriso, Thomas	Holbrook, Robert	Johnson, James	Lawton, David
Millham, Alida	Salatiello, Thomas	Turner, Robert	Wood, Jane

#### **CARROLL**

Bradley, Jeb	Dickinson, Howard	Lyman, L Randy	Patten, Betsey
Philbrick, Donald			

#### **CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lerandeanu, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		

#### **COOS**

Guay, Lawrence	Hawkinson, Marie	Horton, Lynn	Landers, Dana
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
Tholl, John, Jr			

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Johnson, Gary  
Phinney, William

Alger, John  
Dudley, Terri  
MacNeil, Allen  
Solow, Martha

Almy, Susan  
Ham, Bonnie  
Marshall, Gene

Copenhaver, Marion  
Hinman, Harry  
Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard  
Bergin, Peter  
Chabot, Robert  
Dalianis, Griffin  
Fenton, James  
Foster, Linda  
Gorman, Mary  
Hall, Betty  
Keye, Harvey  
LaRose, Richard  
Lessard, Rudy  
Martel, Andre  
McDonough-Wallace, Alice  
Mercer, Robert  
Nolan-Piteri, Dawn  
Peterson, Andrew  
Simon, Anthony  
White, John

Arthur, Rose  
Brundige, Robert  
Clemons, Jane  
Dwyer, Paul, Sr  
Fields, Dennis  
Gagnon, Eugene  
Goulet, Maurice  
Hansen, Herbert  
Konys, Christine  
Lasky, Bette  
Lozeau, Donnalee  
McCarthy, William  
McGough, Tim  
Messier, Irene  
O'Connell, Timothy  
Reidy, Frank  
Thulander, O Alan

Baroody, Benjamin  
Buckley, Raymond  
Cote, David  
Dyer, Merton  
Flora, Kathleen  
Garrish, Linda  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Kurk, Neal  
Leishman, Peter  
Lynde, Harold  
McCarty, Winston  
Melcher, Harold  
Moriarty, Mary  
O'Hearn, Jane  
Rowe, Robert  
Turgeon, Roland

Belvin, William  
Calawa, Leon, Jr  
Craig, James  
Emerton, Lawrence  
Ford, Nancy  
Ginsburg, Ruth  
Haley, Robert  
Johnson, Lionel  
LaPorte, George  
Leonard, Peter  
MacGillivray, Jeffrey  
McDonald, James, Sr  
Mendenhall, Leslie  
Murphy, Robert  
Pappas, Marc  
Sarette, John  
Vaillancourt, Steve

**MERRIMACK**

Asplund, Bronwyn  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Nichols, Avis  
Rodd, Beth  
Wallner, Mary Jane

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Leber, William  
Potter, Frances  
Seldin, Gloria  
Whalley, Michael

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew, Jr  
Dearborn, Bruce  
Flanders, David  
Henderson, Warren  
Katsakiores, George  
Langone, John  
O'Keefe, Patricia  
Pitts, Jacqueline  
Tufts, J Arthur  
Welch, David

Beaulieu, Jon  
Clark, Martha  
DiFruscia, Anthony  
Flanders, John, Sr  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Major, Norman  
O'Neil, Michael  
Shultis, Elizabeth  
Varrell, Thomas  
Whittier, John

Blanchard, MaryAnn  
Clark, Vivian  
Downing, Michael  
Francoeur, Sheila  
Johnson, Robert  
Kelley, Jane  
McKinney, Betsy  
Packard, Sherman  
Splaine, James  
Vaughn, Charles

Case, Margaret  
Cooney, Richard  
Flanagan, Natalie  
Gleason, John  
Kane, Cecelia  
Langley, Jane  
Norelli, Terie  
Pantelakos, Laura  
Stritch, C Donald  
Weare, Everett

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Heon, Richard  
Lent, Donald  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Lundborn, Raymond  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Brown, George  
Estabrook, Iris  
Keans, Sandra  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph  
Woods, Phyllis

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Rollo, Michael  
Spear, Barbara  
Vachon, Dennis

**SULLIVAN**

Allison, David  
 Flint, Gordon, Sr  
 Robb-Theroux, Amy

Burling, Peter  
 Jones, Constance  
 Wiggins, Celestine

Cloutier, John  
 Leone, Richard

Donovan, Thomas, Jr  
 McIntyre, Sara

**NAYS 85****BELKNAP**

Boyce, Robert  
 Wendelboe, Francine

Lawton, Robert

Rice, Thomas

Rosen, Ralph

**CARROLL**

Babson, David, Jr  
 Sullivan, P Jüdiith

Howard, Godfrey

Kenney, Joseph

Mock, Henry

**CHESHIRE**

Roberts, William

Rose, William

**COOS**

None

**GRAFTON**

Brothers, Richard  
 Hall, David

Cobb, John  
 Harmon, Hobart

Eaton, Stephanie  
 Ward, Brien

Gilman, G Michael  
 Weber, Phil

**HILLSBOROUGH**

Andrews, Frederick  
 Bergeron, Lucien  
 Christiansen, Lars  
 Daniels, Gary  
 Herman, Keith  
 McRae, Karen  
 Wall, Nancy

Arnold, Thomas, Jr  
 Bruno, Pierre  
 Clegg, Robert, Jr  
 Drabinowicz, A  
 Jean, Loren  
 Mosher, William  
 White, Donald

Batula, Peter  
 Burkush, James  
 Cote, Peter  
 Fletcher, Richard  
 L'Heureux, Robert  
 Ouellette, Dean  
 Withee, Dennis

Beaupre, Roland  
 Carlson, Donald  
 Coughlin, Pamela  
 Goley, Jeffrey  
 Martin, Mary  
 Reeves, Sandra

**MERRIMACK**

Anderson, Eric  
 Marshall, Kenneth

Brewster, Richard  
 Maxfield, Roy

Kennedy, Richard

Marple, Richard

**ROCKINGHAM**

Belanger, Ronald  
 Dolan, Richard  
 Grant, Kenneth  
 Morse, Charles  
 Putnam, Ed, II  
 Ruffner, Walter  
 Zolla, William

Bridle, Russell  
 Dowling, Patricia  
 Kobel, Rudolph  
 Nowe, Mary Lou  
 Quandt, Marshall  
 Sapareto, Frank

Corbin, C David  
 Fesh, Robert  
 Letourneau, Robert  
 Nowe, Ronald  
 Raynowska, Bernard  
 Stickney, Nancy

Cox, Russell  
 Gibbons, Paul  
 Lovejoy, Marian  
 Priestley, Anne  
 Reardon, Neil  
 Weyler, Kenneth

**STRAFFORD**

Bickford, David

Brown, Julie

Cossette, Larry

McKinley, Robert

**SULLIVAN**

Kibbey, David

Phinzy, James

Tuthill, John

and the report was adopted.  
 Ordered to third reading.

**SB 135-FN**, relative to water supply land protection grants. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS.

Rep. David M. Lawton for the Majority of Resources, Recreation and Development: This bill would establish a state grant program authorizing certain non-profit corporations, municipalities and public water supply corporations to utilize state dollars to acquire lands and/or easements around sources of public drinking water. The cost to the general fund for this program would be \$3 million for the biennium. While the committee strongly agrees with the intent of the bill, the strong 17-4 majority believes that re-referral of SB 135-FN at this time will best serve the interests of protecting New Hampshire's valuable water resources. During 5 subcommittee meetings many areas of concern were uncovered in the details of what was initially assumed to be a simple piece of legislation. One item of contention was the level of the state's 50% share of acquisition/easement costs relative to the applicant's share. Another contentious item was the question of who would be responsible for the stewardship of the lands acquired and where the funds for this would come from. If re-referred, a hard-working subcommittee will be formed to address all of the issues and will present an amended version in January, 2000, which will resolve the many areas of concern uncovered in SB 135-FN. Vote 17-4.

Rep. MaryAnn N. Blanchard for the Minority of Resources, Recreation and Development: This bill creates a matching grant program of up to 50% from the Department of Environmental Services (DES) to assist in the acquisition of land or easements for the purpose of protecting drinking water resources. This bill resulted from a study by DES and Society for Protection of New Hampshire Forests (SPNHF) which documented the unprotected state of the majority of the lands surrounding New Hampshire's public water supplies and increasing the possibility of protecting them. This bill is supported by the NH Municipal Association, the Farm Bureau, BIA, regional planning commissions, towns municipal water suppliers, Society for Protection of New Hampshire Forests and DES. The Minority thinks that this bill is sound water resource management, sound municipal planning, sound economic development and is especially critical now for many New Hampshire communities experiencing soaring development on lands around their public water supplies.

Reps. Blanchard and Leishman spoke against and yielded to questions.

Rep. David Lawton spoke in favor and yielded to questions.

Rep. Whalley spoke in favor.

Rep. Royce requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 158 NAYS 154

### YEAS 158

#### BELKNAP

Boriso, Thomas	Boyce, Robert	Holbrook, Robert	Johnson, James
Lawton, David	Lawton, Robert	Millham, Alida	Rice, Thomas
Rosen, Ralph	Turner, Robert	Wendelboe, Francine	

#### CARROLL

Babson, David, Jr	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Sullivan, P Judith

#### CHESHIRE

Hunt, John	Manning, Joseph	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

### COOS

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Tholl, John, Jr
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#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Dudley, Terri	Eaton, Stephanie	Hall, David	Harmon, Hobart
Hinman, Harry	LaMott, Paul	MacNeil, Allen	Marshall, Gene
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Ahern, Richard  
Belvin, William  
Carlson, Donald  
Coughlin, Pamela  
Emerton, Lawrence  
Flora, Kathleen  
Herman, Keith  
Kurk, Neal  
Lozeau, Donnalee  
McDonald, James, Sr  
Mosher, William  
Pappas, Marc  
Thulander, O Alan

Andrews, Frederick  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Fenton, James  
Gagnon, Eugene  
Holley, Sylvia  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McGough, Tim  
Murphy, Robert  
Reeves, Sandra  
Wall, Nancy

Arnold, Thomas, Jr  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Fields, Dennis  
Goulet, Maurice  
Jean, Loren  
LaRose, Richard  
Martel, Andre  
Melcher, Harold  
O'Hearn, Jane  
Rowe, Robert  
White, Donald

Beaupre, Roland  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Dyer, Merton  
Fletcher, Richard  
Hansen, Herbert  
Johnson, Lionel  
Lessard, Rudy  
McCarty, Winston  
Mercer, Robert  
Ouellette, Dean  
Sarette, John

**MERRIMACK**

Anderson, Eric  
Hess, David  
Nichols, Avis

Asplund, Bronwyn  
Kennedy, Richard  
Whalley, Michael

Chase, George  
Leber, William

Feuerstein, Martin  
Marple, Richard

**ROCKINGHAM**

Beaulieu, Jon  
Clark, Vivian  
Dearborn, Bruce  
Fesh, Robert  
Gibbons, Paul  
Katsakiores, George  
Letourneau, Robert  
Nowe, Mary Lou  
Priestley, Anne  
Reardon, Neil  
Tufts, J Arthur  
Weyler, Kenneth

Belanger, Ronald  
Cooney, Richard  
Dolan, Richard  
Flanagan, Natalie  
Gleason, John  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Putnam, Ed, II  
Ruffner, Walter  
Varrell, Thomas  
Zolla, William

Bridle, Russell  
Corbin, C David  
Dowling, Patricia  
Flanders, David  
Henderson, Warren  
Kobel, Rudolph  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Marshall  
Stickney, Nancy  
Weare, Everett

Christie, Andrew, Jr  
Cox, Russell  
Downing, Michael  
Flanders, John, Sr  
Johnson, Robert  
Langone, John  
Morse, Charles  
Packard, Sherman  
Raynowska, Bernard  
Stritch, C Donald  
Welch, David

**STRAFFORD**

Cossette, Larry  
Woods, Phyllis

McKinley, Robert

Spear, Barbara

Vincent, Francis

**SULLIVAN**

Jones, Constance

Kibbey, David

Leone, Richard

**NAYS 154****BELKNAP**

Wood, Jane

**CARROLL**

Bradley, Jeb

Dickinson, Howard

**CHESHIRE**

Batchelder, Robert  
Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Blaisdell, Michael  
Lerandeau, Alfred  
Meader, David  
Richardson, Barbara

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Riley, William

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

**COOS**

Hawkinson, Marie  
Rodrigue, Robert

Landers, Dana

Mears, Edgar

Pratt, Leighton

**GRAFTON**

Brothers, Richard	Copenhaver, Marion	Densmore, Jessica	Gilman, G Michael
Ham, Bonnie	Johnson, Gary	Nordgren, Sharon	Phinney, William
Solow, Martha			

**HILLSBOROUGH**

Arthur, Rose	Batula, Peter	Bergeron, Lucien	Bergin, Peter
Buckley, Raymond	Burkush, James	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Drabinowicz, A	Dwyer, Paul, Sr
Ford, Nancy	Foster, Linda	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Keye, Harvey	Konys, Christine	LaPorte, George
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lynde, Harold
Martin, Mary	McCarthy, William	McDonough-Wallace, Alice	Mendenhall, Leslie
Messier, Irene	Moriarty, Mary	O'Connell, Timothy	Peterson, Andrew
Reidy, Frank	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Withee, Dennis		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Lockwood, Priscilla	Marshall, Kenneth
Moore, Carol	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	DiFruscia, Anthony
Francoeur, Sheila	Grant, Kenneth	Hutchinson, Rebecca	Kane, Cecelia
Kelley, Jane	Langley, Jane	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Sapareto, Frank	Shultis, Elizabeth
Splaine, James	Vaughn, Charles	Whittier, John	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Grassie, Anne	Heon, Richard	Kaen, Naida
Keans, Sandra	Knowles, William	Lent, Donald	Lundborn, Raymond
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Torr, Franklin	Twardus, Joseph
Vachon, Dennis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	McIntyre, Sara	Phinzy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

and the majority report was adopted.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Royce moved that the House reconsider its action where by it Re-referred to Committee *SB 135-FN*, relative to water supply land protection grants, and spoke against.

Rep. Blanchard spoke in favor.

Rep. Royce requested a roll call; sufficiently seconded.

**YEAS 156 NAYS 157****YEAS 156****BELKNAP**

Wood, Jane

**CARROLL**

Bradley, Jeb

Dickinson, Howard

**CHESHIRE**

Batchelder, Robert  
 Doucette, Richard  
 McGuirk, Paul  
 Pratt, John  
 Russell, Ronald

Blaisdell, Michael  
 Lerandeau, Alfred  
 Meader, David  
 Richardson, Barbara  
 Zerba, Roger

Burnham, Daniel  
 Lynch, Margaret  
 Mitchell, McKim  
 Riley, William

DePecol, Benjamin  
 Lynott, Margaret  
 Pratt, Irene  
 Robertson, Timothy

**COOS**

Hawkinson, Marie

Landers, Dana

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
 Gilman, G Michael  
 Solow Martha

Brothers, Richard  
 Ham, Bonnie

Copenhaver, Marion  
 Johnson, Gary

Densmore, Jessica  
 Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard  
 Bergin, Peter  
 Cote, David  
 Dwyer, Paul, Sr  
 Ginsburg, Ruth  
 Haley, Robert  
 LaPorte, George  
 Lynde, Harold  
 Mendenhall, Leslie  
 O'Connell, Timothy  
 Turgeon, Roland

Arthur, Rose  
 Buckley, Raymond  
 Cote, Peter  
 Ford, Nancy  
 Goley, Jeffrey  
 Hall, Betty  
 Lasky, Bette  
 Martin, Mary  
 Messier, Irene  
 Reidy, Frank  
 Vaillancourt, Steve

Batula, Peter  
 Burkush, James  
 Craig, James  
 Foster, Linda  
 Gorman, Mary  
 Keye, Harvey  
 Leishman, Peter  
 McCarthy, William  
 Moriarty, Mary  
 Sarette, John  
 White, John

Bergeron, Lucien  
 Clemons, Jane  
 Drabinowicz, A  
 Garrish, Linda  
 Haettenschwiller, Alphonse  
 Konys, Christine  
 Leonard, Peter  
 McDonough-Wallace, Alice  
 Murphy, Robert  
 Simon, Anthony

**MERRIMACK**

Bouchard, Candace  
 Daneault, Gabriel  
 French, Barbara  
 Marshall, Kenneth  
 Reardon, Tara  
 Virtue, Carolyn

Brewster, Richard  
 Davis, Francis  
 Gile, Mary  
 Moore, Carol  
 Rodd, Beth  
 Wallner, Mary Jane

Chase, George  
 Fortnam, Janet  
 Hager, Elizabeth  
 Potter, Frances  
 Seldin, Gloria  
 Whittemore, James

Crosby, Toni  
 Fraser, Marilyn  
 Lockwood, Priscilla  
 Poulin, Dave  
 St Cyr, Gerard  
 Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
 Francoeur, Sheila  
 Kelley, Jane  
 Pantelakos, Laura  
 Splaine, James

Blanchard, MaryAnn  
 Grant, Kenneth  
 Langley, Jane  
 Pitts, Jacqueline  
 Vaughn, Charles

Clark, Martha  
 Hutchinson, Rebecca  
 Norelli, Terie  
 Sapareto, Frank  
 Whittier, John

DiFruscia, Anthony  
 Kane, Cecelia  
 O'Keefe, Patricia  
 Shultis, Elizabeth

**STRAFFORD**

Berube, Roger  
 Callaghan, Frank  
 Gilmore, Gary

Brennan, William  
 DeChane, Marlene  
 Grassie, Anne

Brown, George  
 Dunlap, Patricia  
 Heon, Richard

Brown, Julie  
 Estabrook, Iris  
 Kaen, Naida

Keans, Sandra  
Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

Knowles, William  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Lent, Donald  
Smith, Marjorie  
Torr, Franklin

Lundborn, Raymond  
Snyder, Clair  
Twardus, Joseph

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Tuthill, John

Burling, Peter  
McIntyre, Sara  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Donovan, Thomas, Jr  
Robb-Theroux, Amy

### NAYS 157

### BELKNAP

Boriso, Thomas  
Lawton, David  
Rosen, Ralph

Boyce, Robert  
Lawton, Robert  
Turner, Robert

Holbrook, Robert  
Millham, Alida  
Wendelboe, Francine

Johnson, James  
Rice, Thomas

### CARROLL

Babson, David, Jr  
Lyman, L Randy

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph  
Sullivan, P Judith

### CHESHIRE

Hunt, John  
Royce, H Charles

Manning, Joseph  
Smith, Edwin

Roberts, William

Rose, William

### COOS

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
LaMott, Paul  
Ward, Brien

Alger, John  
Hall, David  
MacNeil, Allen  
Weber, Phil

Cobb, John  
Harmon, Hobart  
Marshall, Gene

Dudley, Terri  
Hinman, Harry  
Phinney, William

### HILLSBOROUGH

Andrews, Frederick  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Fenton, James  
Gagnon, Eugene  
Holley, Sylvia  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McGough, Tim  
O'Hearn, Jane  
Reeves, Sandra  
White, Donald

Arnold, Thomas, Jr  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Fields, Dennis  
Goulet, Maurice  
Jean, Loren  
LaRose, Richard  
Martel, Andre  
Melcher, Harold  
Ouellette, Dean  
Rowe, Robert  
Withee, Dennis

Beaupre, Roland  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Dyer, Merton  
Fletcher, Richard  
Hansen, Herbert  
Johnson, Lionel  
Lessard, Rudy  
McCarty, Winston  
Mercer, Robert  
Pappas, Marc  
Thulander, O Alan

Belvin, William  
Carlson, Donald  
Coughlin, Pamela  
Emerton, Lawrence  
Flora, Kathleen  
Herman, Keith  
Kurk, Neal  
Lozeau, Donnalee  
McDonald, James, Sr  
Mosher, William  
Peterson, Andrew  
Wall, Nancy

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Whalley, Michael

Asplund, Bronwyn  
Leber, William

Feuerstein, Martin  
Marple, Richard

Hess, David  
Nichols, Avis

### ROCKINGHAM

Beaulieu, Jon  
Clark, Vivian  
Dearborn, Bruce  
Fesh, Robert

Belanger, Ronald  
Cooney, Richard  
Dolan, Richard  
Flanagan, Natalie

Bridle, Russell  
Corbin, C David  
Dowling, Patricia  
Flanders, David

Christie, Andrew, Jr  
Cox, Russell  
Downing, Michael  
Flanders, John, Sr



Gibbons, Paul	Gleason, John	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	McKinney, Betsy	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed, II	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Stickney, Nancy	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Weare, Everett	Welch, David
Weyler, Kenneth	Zolla, William		

### STRAFFORD

Cossette, Larry	McKinley, Robert	Spear, Barbara	Vincent, Francis
Woods, Phyllis			

### SULLIVAN

Jones, Constance	Kibbey, David	Leone, Richard
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and reconsideration failed.

### WITHOUT OBJECTION

Without objection, the Speaker ordered the Consent and Regular Part II Calendars, contained in House Record No. 66, dated June 21, 1999, be made orders of business for Wednesday, June 23, 1999.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 356**, relative to the issuance of summons and notice in CHINS petitions. (Amendment printed SJ 23, 6/17/99)

Rep. Dowling moved that the House concur and spoke in favor.

Rep. Lyman spoke in favor.

Adopted.

**HB 463-L**, relative to local regulation of junk yards and altering the definition of federal aid primary system for purposes of the laws regarding highway regulations, protection and control regulations. (Amendment printed SJ 22, 6/8/99)

Rep. Edwin Smith moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Calawa, Leber, Winston McCarty and Bouchard.

**HB 473**, establishing a committee to study the non-group health insurance market. (Amendment printed SJ 23, 6/17/99)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 742**, defining "domestic employee" for purposes of workers' compensation. (Amendment printed SJ 23, 6/17/99)

Rep. Daniels moved that the House concur and spoke in favor.

Adopted.

**HB 745-L**, authorizing the town of Ashland to call a special meeting for the purpose of raising money to address a general fund deficit. (Amendments printed SJs 23 and 24, 6/17 & 22/99)

Rep. Hess moved that the House concur and spoke in favor.

Adopted.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 23, 1999 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 200**, relative to child care licensing procedures.

**SB 27**, relative to assessment fee schedules for trust companies and banks.

**SB 58**, allowing clinical mental health counselors to obtain third party payment for services rendered which would otherwise qualify for such payments.

**SB 69-L**, relative to health care charitable trusts and community benefits.

**SB 78**, relative to contract requirements between a paid solicitor and a charitable trust.

**SB 99**, allowing the same interest rates and charges on small loans under \$1,500 as is allowed on small loans over \$1,500.

**SB 103**, making certain changes in the insurance laws.

**SB 104**, making a variety of changes in certain insurance laws.

**SB 107**, relative to fees for examination of domestic societies and foreign societies.

**SB 110**, allowing for discharges of mortgages by affidavit of a New Hampshire attorney.

**SB 118**, relative to requirements for retail installment contracts for motor vehicle sales.

**SB 167**, relative to off-label prescription drugs.

**SB 177**, allowing marriage and family therapists to obtain third party payment for services rendered which would otherwise qualify for such payments.

**SB 183-FN-A**, establishing a New Hampshire health access corporation and continually appropriating a special fund and making an appropriation therefor, requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to certain transfers to the health care fund, and relative to rates for pharmaceutical services.

**SB 191**, relative to the New Hampshire higher educational and health facilities authority.

**HB 746**, relative to emergency police assistance.

**SB 201-FN**, reclassifying non-support as a felony under certain circumstances.

**SB 230**, relative to interstate school districts.

**SB 28**, relative to food production and distribution and food service licensure.

**SB 83**, relative to the regulation of the practice of veterinary medicine.

**SB 131-FN-A**, updating the name of the office of vacation travel to the office of travel and tourism in nonconforming RSA sections.

**HB 84-FN**, establishing a committee to study the penalties for driving under the influence of intoxicating liquor or controlled drugs in the state, and the education and treatment services available to offenders.

**SB 197-FN-A**, establishing a pilot program for opioid agonist therapy of addiction and making an appropriation therefor.

**SB 223-FN-A**, establishing a wellness and primary prevention council and making an appropriation therefor.

**SB 189-FN**, relative to the establishment of a civil rights act.

**SB 209-FN-L**, establishing a study committee on certain matters concerning superior court justices.

**SB 32**, relative to an employer exemption under the unemployment compensation laws.

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000 and June 30, 2001.

**SB 93**, relative to self-storage facility liens.

**SB 175-FN**, requiring insurance coverage for prescription contraceptive drugs and devices and for contraceptive services.

**HB 599-FN-A**, establishing a committee to study the integration of technology at the state, county, and municipal levels.

**SB 53-FN**, relative to licensure of physicians providing teleradiology services in this state.

**SB 198-FN**, relative to certification of persons installing and servicing propane gas and heating oil equipment.

**SB 224**, relative to stenographic records and availability of transcripts of adjudicative hearings before licensing boards.

**SB 214-FN**, relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board.

**SB 20**, relative to the sale or resale of tickets to motor sports events at the New Hampshire International Speedway.

**HB 537**, relative to background checks for firearms purchases.

**UNANIMOUS CONSENT**

Reps. Francoeur and Fuller Clark addressed the House.

Rep. O'Neil moved that the remarks made by Rep. Francoeur be printed in the Journal.

Adopted.

Rep. Francoeur: I know it is hot. This won't take long. Madam Speaker, as you and the members of this House know, last week while we were in session, there was a very serious fire at Hampton Beach. What we did not know at that time was how devastating a fire it was nor how many businesses were involved. Rep. Bridle, who also happens to be a Hampton firefighter, was beeped during session and left immediately to return to Hampton. What he found when he arrived was a five-alarm fire that engulfed an oceanfront block, a wind coming right off the ocean accelerating the blaze and a beach full of tourists, enjoying what they thought was going to be a day in the sun, adding to the turmoil. Several businesses were completely destroyed: a popular restaurant, a hotel, a gift shop and several apartments. Losses will be several million dollars. A fire at the beach, or any place, is always a terrible thing. But, when your business depends on a short and intensive season it can be devastating. All these businesses were getting ready for "the season" and they were fully stocked, or, in the case of the hotel, just about fully booked for the season. Approximately 100 people have lost their jobs and there will be a loss to the state in rooms and meals tax. But as disastrous as this fire was, you also have to look for some good and in this case you don't have to look too far. First, 23 fire departments responded to help Hampton, 200 firemen and women put their lives on the line, talk about mutual aid. Thanks go out to those departments of North Hampton, Hampton Falls, Exeter, Newington, Greenland, Rye, Stratham, Portsmouth, Newfields, New Castle, Newmarket, Kensington, Seabrook, Dover, Raymond, Epping, Brentwood, the Navy Yard and Salisbury, Amesbury, Merrimack, Newburyport and Newbury, Mass. We take our firefighters for granted until we need them, but, thanks to all of these men and women, what could have been a real disaster was not any worse than it was. Thankfully there were no major injuries. The businesses that were destroyed were all long-established businesses owned by local families and operated by those families. They work extremely hard to make it during a short season and now they have had a season burnt out from under them. But, showing true New England determination, they have all stated that they will rebuild and are moving ahead as best and as fast as they can. So, Madam Speaker, what was truly a surreal scene at Hampton Beach last week has shown me that the true New Hampshire spirit lives in the strength of the families who, faced with devastation, are not hesitating to look to the future and rebuild, the caring of the people who have stepped forward to help them and last, but by no means least, the dedication and quick response of the firefighters like Rusty Bridle and the rest of the Hampton force and all the mutual aid teams. To them we all say "Thank you."

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming committees of conference only.

Adopted.

The House recessed at 5:55 p.m.

**RECESS**

**(Rep. Chandler in the Chair)**

**RESOLUTION**

Rep. Buckley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 747, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 747-FN-A-L**, relative to the education property tax and adequate education grants. (Sapareto, Rock 13; Sabella, Rock 13: Finance)

## SENATE MESSAGES

## CONCURRENCE

**HB 225**, relative to the definitions of the terms "farm," "agriculture," and "farming."

**HB 263**, repealing the Northern New England Low-Level Radioactive Waste Management Compact.

**HB 301**, relative to burials and funerals at the New Hampshire state veterans cemetery.

**HB 364**, relative to expenditure of funds received from the United States on account of national forest lands in this state.

**HB 379**, setting up a study committee to study issues pertaining to the Sullivan county regional refuse disposal district.

**HB 410**, relative to the enforcement authority of the department of environmental services.

**HB 414-FN**, establishing a committee to study the unclassified salary structure for state officers.

**HB 421**, relative to penalty provisions for the law regarding control of marine pollution, exotic aquatic weeds, and other aquatic growth.

**HB 546-FN-A**, providing partial funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

**HB 574-FN-A**, establishing a fisheries habitat fee required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats.

**HB 606-FN**, relative to managed care programs under workers' compensation and relative to certain members of the compensation appeals board.

**HB 670**, establishing an advisory board to study the future of the New Hampshire automated information system's "Webster" Internet site.

**HJR 7**, supporting the continued management of the White Mountain National Forest for multiple uses as a part of the National Forest System.

**HCR 12**, urging the United States Congress to enact legislation which prohibits the federal government from recouping state tobacco settlement funds.

## CONCURRENCE WITH AMENDMENTS

**SB 159**, relative to early reduction of greenhouse gases.

**SB 164**, relative to persons exempted from the registration of ophthalmic dispensers.

**SB 168**, adopting a model statute included in the tobacco litigation master settlement agreement.

**SB 192**, relative to vital records.

**SB 220-FN**, relative to the disclosure of child abuse and neglect information.

## ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 428**, relative to school administrative units.

The President appointed Sens. Disnard, Johnson and John King.

**HB 491**, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements.

The President appointed Sens. Gordon, Trombly and Roberge.

**HB 664**, establishing a study committee on rights of ownership to cemetery plots.

The President appointed Sens. Trombly, Disnard and Roberge.

**HB 689-FN**, establishing a committee to study campaign contributions and expenditures.

The President appointed Sens. McCarley, Wheeler and Krueger.

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 82, 215, 524, 566 and 714.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

RECESS

**(Speaker Sytek in the Chair)****RECONSIDERATION**

Having voted with the prevailing side, Rep. Bruno moved that the House reconsider its action whereby it passed **HCR 10**, requesting Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers.

Rep. Bruno spoke in favor and yielded to questions.

Rep. Jacobson spoke against.

Rep. Buckley requested a roll call; sufficiently seconded.

**YEAS 84 NAYS 188****YEAS 84****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Lawton, David	Rice, Thomas
Rosen, Ralph	Thomas, John	Wendelboe, Francine	

**CARROLL**

Babson, David, Jr	Chandler, Gene	Howard, Godfrey	Mock, Henry
Patten, Betsey			

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Guay, Lawrence	Pratt, Leighton	Tholl, John, Jr	Woodward, David
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**GRAFTON**

Alger, John	Cobb, John	Hall, David	Harmon, Hobart
Marshall, Gene	Mirski, Paul	Weber, Phil	

**HILLSBOROUGH**

Andrews, Frederick	Belvin, William	Bruno, Pierre	Chabot, Robert
Clegg, Robert, Jr	Dalianis, Griffin	Daniels, Gary	Fletcher, Richard
Gagnon, Eugene	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Jean, Loren	Kurk, Neal	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McDonald, James, Sr	McGough, Tim
Moran, Edward	Mosher, William	Ouellette, Dean	Pappas, Marc
Reeves, Sandra	Thulander, O Alan	Wall, Nancy	White, Donald

**MERRIMACK**

Leber, William	Marple, Richard	Marshall, Kenneth	Whalley, Michael
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**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Clark, Vivian	Cox, Russell
Flanagan, Natalie	Grant, Kenneth	Henderson, Warren	Letourneau, Robert
Major, Norman	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	Putnam, Ed, II	Stickney, Nancy	Varrell, Thomas
Weare, Everett	Welch, David	Weyler, Kenneth	

**STRAFFORD**

Bickford, David	Cossette, Larry	Kaen, Naida	McKinley, Robert
Woods, Phyllis			

**SULLIVAN**

None

**NAYS 188****BELKNAP**

Boriso, Thomas	Holbrook, Robert	Lawton, Robert	Millham, Alida
Turner, Robert			

**CARROLL**

Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth			

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Doucette, Richard
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

**COOS**

Hawkinson, Marie	Horton, Lynn	Landers, Dana	Mears, Edgar
Merrill, Gerald	Rodrigue, Robert		

**GRAFTON**

Akins, Ralph	Almy, Susan	Brothers, Richard	Densmore, Jessica
Dudley, Terri	Guest, Robert	Johnson, Gary	Nordgren, Sharon
Phinney, William	Solow, Martha		

**HILLSBOROUGH**

Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Bergeron, Lucien
Brundige, Robert	Buckley, Raymond	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Desmarais, Vivian
Dokmo, Cynthia	Drabinowicz, A	Dwyer, Paul, Sr	Fenton, James
Fields, Dennis	Ford, Nancy	Foster, Linda	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Haettenschwiller, Alphonse	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lynde, Harold	McCarty, Winston	Melcher, Harold
Mendenhall, Leslie	Mercer, Robert	Messier, Irene	Milligan, Robert
Moriarty, Mary	Murphy, Robert	O'Hearn, Jane	Perkins, Paul
Peterson, Andrew	Reidy, Frank	Rowe, Robert	Sarette, John
Sargent, Maxwell	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	Gile, Mary	Hager, Elizabeth	Hess, David
Jacobson, Alf	Kennedy, Richard	Lockwood, Priscilla	Maxfield, Roy
Moore, Carol	Potter, Frances	Poulin, Dave	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Christie, Andrew, Jr	Clark, Martha
Cooney, Richard	Downing, Michael	Flanders, John, Sr	Francoeur, Sheila
Gibbons, Paul	Griffin, Mary	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	McKinney, Betsy
Mikowski, Walter	Norelli, Terie	O'Neil, Michael	Pantelakos, Laura

Pitts, Jacqueline  
Ruffner, Walter  
Splaine, James  
Whittier, John

Priestley, Anne  
Sapareto, Frank  
Stritch, C Donald  
Zolla, William

Quandt, Marshall  
Shelton, Richard  
Tufts, J Arthur

Raynowska, Bernard  
Shultis, Elizabeth  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Keans, Sandra  
Smith, Marjorie  
Torr, Franklin

Brown, George  
Gilmore, Gary  
Knowles, William  
Snyder, Clair  
Twardus, Joseph

Callaghan, Frank  
Grassie, Anne  
Rogers, Rose Marie  
Spear, Barbara  
Vincent, Francis

### SULLIVAN

Allison, David  
Phinizy, James

Burling, Peter  
Robb-Theroux, Amy

Flint, Gordon, Sr  
Tuthill, John

Leone, Richard

and reconsideration failed.

Rep. Lozeau moved that the House adjourn.  
Adopted.

**HOUSE JOURNAL No. 23**

Wednesday, June 23, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Representative Gary L. Johnson from the Franconia Community Church of Christ.

Let us be in an attitude of prayer. God of the Universe, once again we come before You, ever mindful that we are both Your children and leaders of Your children. We are looked to for leadership and answers. We come before You in humility and humbleness, understanding our serious responsibility. We ask for Your guidance. Grant us wisdom, grant us understanding. Give us insight and sensitivity. Help us to remember that what we do today can make a difference for tomorrow. We pray for patience in our work and patience with each other. Bless the family of this House, representatives and staff; and bless their families who support their work and understand their absence. And now Lord, help us to always pray as if everything depended on You, and to work as if everything depended on us. Amen

Rep. Callaghan led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Julie Brown, Case, Courchesne, Golden, Hunter, McColgan, Nichols, Pepino, Schanda, Sabella and Searles, the day, illness.

Reps. Alukonis, Arndt, Bishop, Bridle, Burkush, Calawa, Carlson, Chase, Coughlin, Czech, Perley Davis, Dearborn, DeChane, Domingo, Donovan, Dowling, Dyer, David Flanders, Flora, Gilman, Glines, Betty Hall, Hamel, Richard Herman, Hoadley, Karen Hutchinson, Nancy Johnson, Jones, Langer, Lefebvre, Leishman, Lerandau, Lovejoy, Lynott, MacNeil, McIntyre, McRae, Musler, Nolan-Piteri, O'Connell, Owen, Picconi, Neil Reardon, Rubin, Salatiello, Stone, Tate, Weatherspoon, Wiggins, Jane Wood and Young, the day, important business.

Rep. Durham, the day, death in the family.

Rep. Dawe, the day, illness in family.

**INTRODUCTION OF GUESTS**

Linda Horsley, fiancée of Rep. Hunt. Seth Woodward, son of Rep. Woodward.

**COMMITTEE REPORTS****CONSENT CALENDAR – PART II**

Rep. Chandler moved that the Consent Calendar – Part II with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**HB 224-FN-A**, establishing a joint committee on code enforcement and appropriating funds for hiring fire investigators in the division of fire safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Finance: This bill establishes a joint committee on code enforcement. It also would have established two new fire investigators in the Division of Fire Safety, at a cost of \$270,000 in general funds for the biennium. The committee amendment removes the two new positions and the appropriation; since given the current budget situation, the committee is unable to support this appropriation at this time. Vote 18-0.

**Amendment (1685h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a joint committee on code enforcement.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

**AMENDED ANALYSIS**

This bill establishes a joint committee on code enforcement.



**HB 297-FN**, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. RE-REFER TO COMMITTEE  
 Rep. Susan W. Almy for Finance: This bill as amended by the policy committee allows both claimants and employers to remove discrimination complaints from the Commission for Human Rights after only three months. Since the average time to issue a decision (reduced two-thirds in recent years) has stabilized at 12-15 months, the Finance Committee felt that this would result in nearly all discrimination cases going to the court system. The bill was re-referred to get better information on the costs and on effects of changing the time period. Vote 19-0.

**HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. RE-REFER TO COMMITTEE  
 Rep. Robert E. Clegg for Finance: This bill would appropriate \$340,000 of general funds for design work to rehabilitate the Walker building on the state hospital campus. In light of the state's pressing financial needs at this time, the Committee felt it should delay considering this bill until next year. Vote 16-0.

**HB 498-FN**, establishing a special education catastrophic aid fund and relative to exempting certain unexpected catastrophic special education expenses from the provisions of the municipal budget law. INEXPEDIENT TO LEGISLATE  
 Rep. Avis B. Nichols for Finance: This bill would establish a \$2 million special education catastrophic aid fund. It would also exempt certain unexpected catastrophic special education expenses from the municipal budget law. The Committee felt that the special education catastrophic aid fund was not needed, as school districts can borrow for these unanticipated expenses in advance of state reimbursement. The exemptions from the municipal budget law are taken care of in HB 577, which the Committee has recommended for passage. As a result, this bill is no longer needed. Vote 16-0.

**HB 577**, relative to the power of a school district to expend catastrophic special education funds and relative to the exemption of certain unexpected catastrophic special education expenses from the provisions of the municipal budget law. OUGHT TO PASS WITH AMENDMENT  
 Rep. Norman L. Major for Finance: This is a technical corrections bill. As amended, it authorizes a school district to expend funds reflecting the total catastrophic special education costs for pupils in the district and provides that certain catastrophic special education expenses which could not be identified or anticipated prior to the adoption of the school district budget shall be exempt from the provisions of the municipal budget law. The bill also clarifies the costs and the Department of Education liability for the cost of the school district borrowing relative to these special education funds. No additional general funds are involved. Vote 17-0.

#### **Amendment (1474h)**

Amend RSA 186-C:18, X as inserted by section 3 of the bill by replacing it with the following:

X. Unexpected special education costs incurred by a school district which are eligible for reimbursement from the state pursuant to RSA 186-C:18, III and which could not be identified prior to the adoption of the local district budget shall be exempt from the provisions of RSA 32:8, RSA 32:9, RSA 32:10, and RSA 32:11, III.

#### **AMENDED ANALYSIS**

This bill authorizes a school district to expend funds reflecting the total catastrophic special education costs for pupils in the district and provides that certain unexpected special education expenses which are eligible for reimbursement from the state pursuant to RSA 186-C:18, III and which could not be identified or anticipated prior to the adoption of the school district budget shall be exempt from the provisions of the municipal budget law.

**HB 618-FN-A**, establishing a voucher program for smoking cessation and continually appropriating a special fund. RE-REFER TO COMMITTEE  
 Rep. Robert K. Boyce for Finance: This bill is not the first nor certainly the last seeking to allocate funds from the tobacco settlement. It sought to reserve a portion of the tobacco settlement money for a smoking cessation program. While the Committee felt this may be an appropriate use of these funds, since this money will most likely not be received until sometime next year it seems logical to re-refer this so that it can be considered along with other proposals which are sure to follow. Vote 23-0.

**HB 630-FN-L**, relative to the Skyhaven airport transfer plan. RE-REFER TO COMMITTEE  
Rep. Paul J. Dwyer, Sr. for Finance: This bill would transfer the Skyhaven state airport to the city of Rochester. Due to time constraints and the overwhelming Finance Committee agenda this year, Division I felt it needed more time to address this matter. Vote 19-0.

**HB 694-FN**, relative to prevention and prohibition of MTBE contamination of drinking water, wells, and surface and groundwater resources. INEXPEDIENT TO LEGISLATE  
Rep. Jeffrey C. MacGillivray for Finance: This bill relates to the study and control of methyl t-butyl ether (MTBE), a controversial gasoline additive. The House passed SB 70 last week, a slightly amended version of this bill with the fiscal impacts removed, and the policy committee has requested that we find this now-redundant bill Inexpedient to Legislate. Vote 17-0.

**HB 699-FN-A**, establishing the granite state scholars program and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Charles L. Vaughn for Finance: This bill establishes a Granite State Scholars Program which recognizes highly qualified high school graduates by providing them with incentive grants to pursue degrees at the state's public colleges. Private funds raised by the public institutions will be matched with state funds and together will be the source of student grants. The bill calls for general fund appropriations of \$5 million for each year of the biennium. The state's financial participation would end when it had contributed a total of \$25 million. In view of the shortage of state revenues to fund primary and secondary education pursuant to HB 117, the Committee cannot recommend passage at this time. Re-referring the bill will give the Committee the opportunity to consider other possible funding sources. Vote 16-0.

**SB 37-FN**, relative to fees for testing of domestic animals for disease. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill requires fees for testing of domestic animals to include the costs of mileage, hourly wage and lodging be paid to the Department of Agriculture, Markets and Food. There is no impact on the general fund as the fees are paid by those using the service. Vote 19-0.

### SPECIAL ORDER

**SB 227-FN**, establishing a gambling business felony. OUGHT TO PASS

Rep. Frank D. Callaghan for Criminal Justice and Public Safety: This bill establishes a gambling business felony. It makes it a misdemeanor for a person to knowingly and unlawfully permit gambling on the premises of a business conducted, financed, supervised, directed, or owned by such person. It makes it a felony for a person to knowingly and unlawfully conduct, finance, manage, supervise or direct any gambling activity of a certain magnitude or duration. It also requires persons convicted of illegal gambling operations to forfeit any implements, equipment, and apparatus, including money or proceeds wagered or gained by such gambling operations. Vote 10-7.

Rep. Welch spoke against.

Report failed.

Rep. Welch moved Ought to Pass with Amendment.

Rep. Loren Jean offered a floor amendment (1765h).

### Floor Amendment (1765h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Business Conducting Illegal Gambling. Amend RSA 647:2 by inserting after paragraph I the following new paragraph:

I-a. (A) A person is guilty of a misdemeanor if such person conducts, finances, manages, supervises, directs, or owns all or part of a business and such person knowingly and unlawfully permits gambling on the premises of the business.

(b) A person is guilty of a class B felony if such person conducts, finances, manages, supervises, directs, or owns all or part of a business and such person knowingly and unlawfully conducts, finances, manages, supervises, or directs any gambling activity on the business premises which does any of the following:

(1) Has had gross revenue of \$2,000 in any single day.

(2) Has been or remains in substantially continuous operation for a period in excess of 10 days.

(3) Accepts wagers exceeding \$5,000 during any 30 day period on future contingent events.

2 Effective Date. This act shall take effect January 1, 2000.

### AMENDED ANALYSIS

This bill:

I. Makes it a misdemeanor for a person to knowingly and unlawfully permit gambling on the premises of a business conducted, financed, managed, supervised, directed, or owned by such person.

II. Makes it a felony for a person to knowingly and unlawfully conduct, finance, manage, supervise, or direct any gambling activity of a certain magnitude or duration on the premises of a business conducted, financed, managed, supervised, directed, or owned by such person.

Rep. Robert Lawton spoke against and yielded to questions.

Reps. Loren Jean and Welch spoke in favor and yielded to questions.

### MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **SB 227-FN**, establishing a gambling business felony, be laid on the table.

Rep. Henderson requested a roll call; sufficiently seconded.

### YEAS 79 NAYS 207

#### YEAS 79

#### BELKNAP

Boriso, Thomas  
Rosen, Ralph

Lawton, David

Lawton, Robert

Pilliod, James

#### CARROLL

None

#### CHESHIRE

Blaisdell, Michael

Lynch, Margaret

McGuirk, Paul

Russell, Ronald

#### COOS

Hawkinson, Marie

Mears, Edgar

Rodrigue, Robert

#### GRAFTON

Densmore, Jessica

Ham, Bonnie

Mirski, Paul

#### HILLSBOROUGH

Arthur, Rose

Bergeron, Lucien

Buckley, Raymond

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Fields, Dennis

Fletcher, Richard

Goley, Jeffrey

Jean, Claudette

Johnson, Lionel

Keye, Harvey

Kony, Christine

LaPorte, George

Lasky, Bette

Leonard, Peter

Martin, Mary

Melcher, Harold

Messier, Irene

Mosher, William

Pappas, Marc

Perkins, Paul

Reidy, Frank

Sarette, John

Simon, Anthony

Turgeon, Roland

Vaillancourt, Steve

#### MERRIMACK

Crosby, Toni

Davis, Francis

Fortnam, Janet

Gile, Mary

Jacobson, Alf

Kennedy, Richard

Marple, Richard

St Cyr, Gerard

#### ROCKINGHAM

Belanger, Ronald

Fesh, Robert

Hutchinson, Rebecca

Johnson, Robert

Kane, Cecelia

Katsakiores, George

Katsakiores, Phyllis

McKinney, Betsy

Pantelakos, Laura

Pitts, Jacqueline

Sapareto, Frank

Shelton, Richard

Splaine, James

**STRAFFORD**

Berube, Roger  
Estabrook, Iris  
Taylor, Kathleen

Bickford, David  
Keans, Sandra  
Twardus, Joseph

Brennan, William  
Rollo, Michael  
Wall, Janet

Dunlap, Patricia  
Smith, Marjorie

**SULLIVAN**

Allison, David

Cloutier, John

Phinizy, James

Tuthill, John

**NAYS 207****BELKNAP**

Bartlett, Gordon  
Rice, Thomas

Boyce, Robert  
Thomas, John

Holbrook, Robert  
Turner, Robert

Millham, Alida  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
MacDonald, Kenneth

**CHESHIRE**

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Robertson, Timothy  
Zerba, Roger

Burnham, Daniel  
Meader, David  
Richardson, Barbara  
Rose, William

Doucette, Richard  
Mitchell, McKim  
Riley, William  
Royce, H Charles

Hunt, John  
Pratt, Irene  
Roberts, William  
Smith, Edwin

**COOS**

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Tholl, John, Jr

Landers, Dana  
Woodward, David

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Cobb, John  
Hall, David  
Nordgren, Sharon

Alger, John  
Copenhaver, Marion  
Harmon, Hobart  
Phinney, William

Almy, Susan  
Dudley, Terri  
Hinman, Harry  
Solow, Martha

Brothers, Richard  
Guest, Robert  
Marshall, Gene

**HILLSBOROUGH**

Ahern, Richard  
Brundige, Robert  
Clemons, Jane  
Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Goulet, Maurice  
Holley, Sylvia  
LaRose, Richard  
MacGillivray, Jeffrey  
McGough, Tim  
Moran, Edward  
Reeves, Sandra  
Wall, Nancy

Andrews, Frederick  
Bruno, Pierre  
Dalianis, Griffin  
Dokmo, Cynthia  
Ford, Nancy  
Garrish, Linda  
Haettenschwiller, Alphonse  
Jean, Loren  
Lessard, Rudy  
Martel, Andre  
Mendenhall, Leslie  
O'Hearn, Jane  
Rowe, Robert  
White, Donald

Arnold, Thomas, Jr  
Chabot, Robert  
Daniels, Gary  
Drabinowicz, A  
Foster, Linda  
Ginsburg, Ruth  
Hansen, Herbert  
Kurk, Neal  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
Ouellette, Dean  
Sargent, Maxwell  
White, John

Belvin, William  
Clegg, Robert, Jr  
Desmarais, Vivian  
Dwyer, Paul, Sr  
Franks, Suzan  
Gorman, Mary  
Herman, Keith  
L'Heureux, Robert  
Lynde, Harold  
McDonald, James, Sr  
Milligan, Robert  
Peterson, Andrew  
Thulander, O Alan  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Leber, William

Bouchard, Candace  
Fraser, Marilyn  
Lockwood, Priscilla

Brewster, Richard  
French, Barbara  
Marshall, Kenneth

Daneault, Gabriel  
Hess, David  
Maxfield, Roy

Moore, Carol  
Seldin, Gloria  
Wallner, Mary Jane

Potter, Frances  
Soltani, Tony  
Whalley, Michael

Poulin, Dave  
Virtue, Carolyn  
Whittemore, James

Rodd, Beth  
Wallin, Jean  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Clark, Martha  
Dalrymple, Janeen  
Flanders, John, Sr  
Grant, Kenneth  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
O'Neil, Michael  
Raynowska, Bernard  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Beaulieu, Jon  
Clark, Vivian  
Dolan, Richard  
Francoeur, Sheila  
Griffin, Mary  
Langley, Jane  
Mikowski, Walter  
Nowe, Ronald  
Priestley, Anne  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

Blanchard, MaryAnn  
Cooney, Richard  
Downing, Michael  
Gibbons, Paul  
Henderson, Warren  
Langone, John  
Morse, Charles  
Noyes, Richard  
Putnam, Ed, II  
Shultis, Elizabeth  
Varrell, Thomas  
Weyler, Kenneth

Christie, Andrew, Jr  
Cox, Russell  
Flanagan, Natalie  
Gleason, John  
Kelley, Jane  
Letourneau, Robert  
Norelli, Terie  
O'Keefe, Patricia  
Quandt, Marshall  
Stickney, Nancy  
Vaughn, Charles  
Whittier, John

### STRAFFORD

Brown, George  
Grassie, Anne  
McKinley, Robert  
Spear, Barbara

Callaghan, Frank  
Heon, Richard  
Rogers, Rose Marie  
Torr, Franklin

Cossette, Larry  
Kaen, Naida  
Snyder, Clair  
Vincent, Francis

Gilmore, Gary  
Knowles, William  
Spang, Judith  
Woods, Phyllis

### SULLIVAN

Burling, Peter

Flint, Gordon, Sr

Leone, Richard

Robb-Theroux, Amy

and the motion failed.

The question now being the adoption of the floor amendment (1765h).

Rep. Christie spoke in favor and yielded to questions.

Rep. Welch requested a roll call; sufficiently seconded.

### YEAS 235 NAYS 53

### YEAS 235

### BELKNAP

Bartlett, Gordon  
Pilliod, James  
Wendelboe, Francine

Boyce, Robert  
Rice, Thomas

Holbrook, Robert  
Thomas, John

Millham, Alida  
Turner, Robert

### CARROLL

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
MacDonald, Kenneth

### CHESHIRE

Batchelder, Robert  
Hunt, John  
Pratt, Irene  
Roberts, William  
Smith, Edwin

Blaisdell, Michael  
Manning, Joseph  
Pratt, John  
Robertson, Timothy

Burnham, Daniel  
Meader, David  
Richardson, Barbara  
Rose, William

Doucette, Richard  
Mitchell, McKim  
Riley, William  
Royce, H Charles

### COOS

Guay, Lawrence  
Merrill, Gerald  
Woodward, David

Hawkinson, Marie  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

Mears, Edgar  
Tholl, John, Jr

**GRAFTON**

Akins, Ralph  
Cobb, John  
Hall, David  
Marshall, Gene

Alger, John  
Copenhaver, Marion  
Harmon, Hobart  
Nordgren, Sharon

Almy, Susan  
Densmore, Jessica  
Hinman, Harry  
Solow, Martha

Brothers, Richard  
Guest, Robert  
LaMott, Paul

**HILLSBOROUGH**

Ahern, Richard  
Belvin, William  
Chabot, Robert  
Dalianis, Griffin  
Drabinowicz, A  
Ford, Nancy  
Garrish, Linda  
Haettenschwiller, Alphonse  
Jean, Claudette  
L'Heureux, Robert  
Lessard, Rudy  
Martel, Andre  
Mercer, Robert  
Moriarty, Mary  
Perkins, Paul  
Rowe, Robert  
Wall, Nancy

Andrews, Frederick  
Brundige, Robert  
Clegg, Robert, Jr  
Daniels, Gary  
Dwyer, Paul, Sr  
Foster, Linda  
Ginsburg, Ruth  
Hansen, Herbert  
Jean, Loren  
LaPorte, George  
Lozeau, Donnalee  
McCarty, Winston  
Messier, Irene  
Mosher, William  
Peterson, Andrew  
Sarette, John  
White, John

Arnold, Thomas, Jr  
Bruno, Pierre  
Clemons, Jane  
Desmarais, Vivian  
Fenton, James  
Franks, Suzan  
Gorman, Mary  
Herman, Keith  
Konys, Christine  
LaRose, Richard  
Lynde, Harold  
McGough, Tim  
Milligan, Robert  
O'Hearn, Jane  
Reeves, Sandra  
Sargent, Maxwell  
Withee, Dennis

Arthur, Rose  
Buckley, Raymond  
Cote, David  
Dokmo, Cynthia  
Fields, Dennis  
Gagnon, Eugene  
Goulet, Maurice  
Holley, Sylvia  
Kurk, Neal  
Lasky, Bette  
MacGillivray, Jeffrey  
Mendenhall, Leslie  
Moran, Edward  
Ouellette, Dean  
Reidy, Frank  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Davis, Francis  
French, Barbara  
Leber, William  
Moore, Carol  
Seldin, Gloria  
Whalley, Michael

Brewster, Richard  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Soltani, Tony  
Whittemore, James

Crosby, Toni  
Fortnam, Janet  
Hess, David  
Marshall, Kenneth  
Poulin, Dave  
Wallin, Jean  
Yeaton, Charles

Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Maxfield, Roy  
Rodd, Beth  
Walther, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Dalrymple, Janeen  
Flanders, John, Sr  
Grant, Kenneth  
Johnson, Robert  
Letourneau, Robert  
Morse, Charles  
O'Keefe, Patricia  
Putnam, Ed, II  
Shultis, Elizabeth  
Varrell, Thomas  
Weyler, Kenneth

Beaulieu, Jon  
Clark, Vivian  
Dolan, Richard  
Francoeur, Sheila  
Griffin, Mary  
Kelley, Jane  
Major, Norman  
Norelli, Terie  
O'Neil, Michael  
Ruffner, Walter  
Stickney, Nancy  
Vaughn, Charles  
Whittier, John

Blanchard, MaryAnn  
Cooney, Richard  
Downing, Michael  
Gibbons, Paul  
Henderson, Warren  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Mary Lou  
Pitts, Jacqueline  
Sapareto, Frank  
Stitch, C Donald  
Weare, Everett  
Zolla, William

Christie, Andrew, Jr  
Cox, Russell  
Flanagan, Natalie  
Gleason, John  
Hutchinson, Rebecca  
Langley, Jane  
Mikowski, Walter  
Noyes, Richard  
Priestley, Anne  
Shelton, Richard  
Tufts, J Arthur  
Welch, David

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Gilmore, Gary  
Knowles, William  
Snyder, Clair  
Twardus, Joseph

Bickford, David  
Cossette, Larry  
Grassie, Anne  
McKinley, Robert  
Spang, Judith  
Vincent, Francis

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
Rollo, Michael  
Spear, Barbara  
Wall, Janet

Brown, George  
Estabrook, Iris  
Keans, Sandra  
Smith, Marjorie  
Torr, Franklin  
Woods, Phyllis

**SULLIVAN**

Allison, David	Burling, Peter	Flint, Gordon, Sr	Leone, Richard
Robb-Theroux, Amy			

**NAYS 53****BELKNAP**

Boriso, Thomas	Lawton, David	Lawton, Robert
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**CARROLL**

None

**CHESHIRE**

Lynch, Margaret	McGuirk, Paul	Russell, Ronald	Zerba, Roger
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**COOS**

Landers, Dana

**GRAFTON**

Dudley, Terri	Ham, Bonnie	Mirski, Paul	Phinney, William
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**HILLSBOROUGH**

Beaupre, Roland	Bergeron, Lucien	Cote, Peter	Craig, James
Daigle, Robert	Desrosiers, William	Fletcher, Richard	Goley, Jeffrey
Johnson, Lionel	Keye, Harvey	Leonard, Peter	Martin, Mary
McDonald, James, Sr	Melcher, Harold	Pappas, Marc	Simon, Anthony
Turgeon, Roland	Vaillancourt, Steve	White, Donald	

**MERRIMACK**

Bouchard, Candace	Kennedy, Richard	Marple, Richard	St Cyr, Gerard
Virtue, Carolyn			

**ROCKINGHAM**

Belanger, Ronald	Fesh, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Langone, John	Nowe, Ronald	Pantelakos, Laura
Quandt, Marshall	Raynowska, Bernard	Splaine, James	

**STRAFFORD**

Lundborn, Raymond	Rogers, Rose Marie	Taylor, Kathleen
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**SULLIVAN**

Cloutier, John	Phinizy, James	Tuthill, John
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and the floor amendment (1765h) was adopted.

The question now being the adoption of the report.

Rep. Kennedy spoke against.

Rep. John Pratt moved Re-commit to Committee, spoke in favor and yielded to questions.

Rep. Dolan spoke against.

Rep. Welch spoke against and yielded to questions.

Rep. Welch requested a roll call; sufficiently seconded.

**YEAS 142 NAYS 151****YEAS 142****BELKNAP**

Boriso, Thomas	Lawton, David	Lawton, Robert	Millham, Alida
Rosen, Ralph			

**CARROLL**

Babson, David, Jr                      Sullivan, P Judith

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Hunt, John	Lynch, Margaret
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Russell, Ronald	Zerba, Roger	

**COOS**

Hawkinson, Marie                      Landers, Dana                      Rodrigue, Robert

**GRAFTON**

Almy, Susan	Densmore, Jessica	Dudley, Terri	Ham, Bonnie
Mirski, Paul	Nordgren, Sharon	Phinney, William	Solow, Martha
Weber, Phil			

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Bergeron, Lucien	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Chabot, Robert	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Desmarais, Vivian	Desrosiers, William	Fields, Dennis	Fletcher, Richard
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Holley, Sylvia	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	L'Heureux, Robert
LaPorte, George	Lasky, Bette	Leonard, Peter	Lynde, Harold
McDonald, James, Sr	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Moriarty, Mary	Mosher, William	Ouellette, Dean	Pappas, Marc
Perkins, Paul	Reeves, Sandra	Reidy, Frank	Sarette, John
Simon, Anthony	Vaillancourt, Steve	Wall, Nancy	White, Donald
White, John			

**MERRIMACK**

Bouchard, Candace	Crosby, Toni	Daneault, Gabriel	Davis, Francis
Fortnam, Janet	Fraser, Marilyn	Gile, Mary	Kennedy, Richard
Marple, Richard	Marshall, Kenneth	Poulin, Dave	Reardon, Tara
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Cooney, Richard
Fesh, Robert	Gibbons, Paul	Grant, Kenneth	Hutchinson, Rebecca
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Langone, John
Major, Norman	Morse, Charles	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall
Raynowska, Bernard	Sapareto, Frank	Shelton, Richard	Shutis, Elizabeth
Splaine, James			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Heon, Richard	Keans, Sandra
Lundborn, Raymond	McKinley, Robert	Rollo, Michael	Smith, Marjorie
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vachon, Dennis
Wall, Janet			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Phinizy, James
Tuthill, John			



**NAYS 151****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Holbrook, Robert	Pilliod, James
Rice, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey			

**CHESHIRE**

Burnham, Daniel	Doucette, Richard	Manning, Joseph	Richardson, Barbara
Riley, William	Roberts, William	Robertson, Timothy	Rose, William
Royce, H Charles	Smith, Edwin		

**COOS**

Guay, Lawrence	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Copenhaver, Marion	Guest, Robert	Hall, David	Harmon, Hobart
Hinman, Harry	LaMott, Paul	Marshall, Gene	

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas, Jr	Beaupre, Roland	Belvin, William
Clegg, Robert, Jr	Dalianis, Griffin	Daniels, Gary	Dokmo, Cynthia
Drabinowicz, A	Dwyer, Paul, Sr	Fenton, James	Ford, Nancy
Garrish, Linda	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Jean, Loren	Kurk, Neal	LaRose, Richard
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McGough, Tim	Mercer, Robert	Milligan, Robert
Moran, Edward	Murphy, Robert	O'Hearn, Jane	Peterson, Andrew
Rowe, Robert	Sargent, Maxwell	Thulander, O Alan	Turgeon, Roland
Withee, Dennis			

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Feuerstein, Martin	French, Barbara
Hess, David	Jacobson, Alf	Leber, William	Lockwood, Priscilla
Maxfield, Roy	Moore, Carol	Potter, Frances	Rodd, Beth
Soltani, Tony	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Beaulieu, Jon	Christie, Andrew, Jr	Clark, Martha	Clark, Vivian
Cox, Russell	Dalrymple, Janeen	Dolan, Richard	Downing, Michael
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Henderson, Warren	Johnson, Robert	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	McKinney, Betsy
Mikowski, Walter	Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael
Priestley, Anne	Putnam, Ed, II	Ruffner, Walter	Stickney, Nancy
Stitch, C Donald	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

**STRAFFORD**

Brown, George  
Kaen, Naida  
Spang, Judith

Callaghan, Frank  
Knowles, William  
Spear, Barbara

Cossette, Larry  
Rogers, Rose Marie  
Vincent, Francis

Grassie, Anne  
Snyder, Clair  
Woods, Phyllis

**SULLIVAN**

Flint, Gordon, Sr

Leone, Richard

Robb-Theroux, Amy

and the motion failed.

The question now being the adoption of the report.

Rep. Welch requested a roll call; sufficiently seconded.

**YEAS 172 NAYS 122****YEAS 172****BELKNAP**

Bartlett, Gordon  
Thomas, John

Boyce, Robert  
Turner, Robert

Holbrook, Robert  
Wendelboe, Francine

Pilliod, James

**CARROLL**

Babson, David, Jr  
Kenney, Joseph  
Patten, Betsey

Bradley, Jeb  
Lyman, L Randy  
Sullivan, P Judith

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard  
Mock, Henry

**CHESHIRE**

Batchelder, Robert  
Hunt, John  
Roberts, William  
Smith, Edwin

Blaisdell, Michael  
Manning, Joseph  
Robertson, Timothy

Burnham, Daniel  
Richardson, Barbara  
Rose, William

Doucette, Richard  
Riley, William  
Royce, H Charles

**COOS**

Guay, Lawrence  
Tholl, John, Jr

Mears, Edgar  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Cobb, John  
Harmon, Hobart  
Nordgren, Sharon

Alger, John  
Copenhaver, Marion  
Hinman, Harry

Almy, Susan  
Guest, Robert  
LaMott, Paul

Brothers, Richard  
Hall, David  
Marshall, Gene

**HILLSBOROUGH**

Ahern, Richard  
Belvin, William  
Dalianis, Griffin  
Fenton, James  
Ginsburg, Ruth  
Herman, Keith  
Konys, Christine  
Lasky, Bette  
McCarty, Winston  
Murphy, Robert  
Rowe, Robert  
Withee, Dennis

Andrews, Frederick  
Bruno, Pierre  
Daniels, Gary  
Ford, Nancy  
Goulet, Maurice  
Holley, Sylvia  
Kurk, Neal  
Lessard, Rudy  
McGough, Tim  
O'Hearn, Jane  
Sargent, Maxwell

Arnold, Thomas, Jr  
Clegg, Robert, Jr  
Dokmo, Cynthia  
Foster, Linda  
Haettenschwiller, Alphonse  
Jean, Claudette  
L'Heureux, Robert  
Lozeau, Donnalee  
Mercer, Robert  
Ouellette, Dean  
Thulander, O Alan

Beaupre, Roland  
Cote, David  
Drabinowicz, A  
Garrish, Linda  
Hansen, Herbert  
Jean, Loren  
LaRose, Richard  
Martel, Andre  
Moran, Edward  
Peterson, Andrew  
White, John

**MERRIMACK**

Anderson, Eric  
Gile, Mary

Brewster, Richard  
Hess, David

Davis, Francis  
Jacobson, Alf

French, Barbara  
Leber, William

Lockwood, Priscilla  
Rodd, Beth  
Whittemore, James

Maxfield, Roy  
Soltani, Tony  
Yeaton, Charles

Moore, Carol  
Wallner, Mary Jane

Potter, Frances  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, John, Sr  
Griffin, Mary  
Langley, Jane  
O'Keefe, Patricia  
Priestley, Anne  
Stickney, Nancy  
Vaughn, Charles  
Whittier, John

Beaulieu, Jon  
Cooney, Richard  
Dolan, Richard  
Gibbons, Paul  
Henderson, Warren  
Letourneau, Robert  
O'Neil, Michael  
Putnam, Ed, II  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Christie, Andrew, Jr  
Cox, Russell  
Downing, Michael  
Gleason, John  
Kane, Cecelia  
McKinney, Betsy  
Pantelakos, Laura  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

Clark, Martha  
Dalrymple, Janeen  
Flanagan, Natalie  
Grant, Kenneth  
Kelley, Jane  
Noyes, Richard  
Pitts, Jacqueline  
Splaine, James  
Varrell, Thomas  
Weyler, Kenneth

### STRAFFORD

Brown, George  
Grassie, Anne  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Kaen, Naida  
Spang, Judith  
Woods, Phyllis

Cossette, Larry  
Knowles, William  
Spear, Barbara

Gilmore, Gary  
Rogers, Rose Marie  
Taylor, Kathleen

### SULLIVAN

Burling, Peter

Flint, Gordon, Sr

Leone, Richard

Robb-Theroux, Amy

### NAYS 122

### BELKNAP

Boriso, Thomas  
Rice, Thomas

Lawton, David  
Rosen, Ralph

Lawton, Robert

Millham, Alida

### CARROLL

Howard, Godfrey

### CHESHIRE

Lynch, Margaret  
Pratt, Irene

McGuirk, Paul  
Pratt, John

Meador, David  
Russell, Ronald

Mitchell, McKim  
Zerba, Roger

### COOS

Hawkinson, Marie

Horton, Lynn

Landers, Dana

Rodrigue, Robert

### GRAFTON

Densmore, Jessica  
Phinney, William

Dudley, Terri  
Solow, Martha

Ham, Bonnie  
Weber, Phil

Mirski, Paul

### HILLSBOROUGH

Arthur, Rose  
Chabot, Robert  
Daigle, Robert  
Fields, Dennis  
Goley, Jeffrey  
LaPorte, George  
McDonald, James, Sr  
Milligan, Robert  
Perkins, Paul  
Simon, Anthony  
White, Donald

Bergeron, Lucien  
Clemons, Jane  
Desmarais, Vivian  
Fletcher, Richard  
Gorman, Mary  
Leonard, Peter  
Melcher, Harold  
Moriarty, Mary  
Reeves, Sandra  
Turgeon, Roland

Brundige, Robert  
Cote, Peter  
Desrosiers, William  
Franks, Suzan  
Johnson, Lionel  
Lynde, Harold  
Mendenhall, Leslie  
Mosher, William  
Reidy, Frank  
Vaillancourt, Steve

Buckley, Raymond  
Craig, James  
Dwyer, Paul, Sr  
Gagnon, Eugene  
Keye, Harvey  
MacGillivray, Jeffrey  
Messier, Irene  
Pappas, Marc  
Sarette, John  
Wall, Nancy

**MERRIMACK**

Bouchard, Candace	Crosby, Toni	Daneault, Gabriel	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	Kennedy, Richard	Marple, Richard
Marshall, Kenneth	Poulin, Dave	Reardon, Tara	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	

**ROCKINGHAM**

Belanger, Ronald	Blanchard, MaryAnn	Fesh, Robert	Francoeur, Sheila
Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langone, John	Major, Norman	Mikowski, Walter
Morse, Charles	Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald
Quandt, Marshall	Raynowska, Bernard	Sapareto, Frank	Shelton, Richard
Shultis, Elizabeth			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Dunlap, Patricia
Estabrook, Iris	Heon, Richard	Keans, Sandra	Lundborn, Raymond
McKinley, Robert	Rollo, Michael	Smith, Marjorie	Torr, Franklin
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	

**SULLIVAN**

Allison, David	Cloutier, John	Phinizy, James	Tuthill, John
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and the report was adopted.  
Ordered to third reading.

**REGULAR CALENDAR – PART II**

**HB 25-A**, making appropriations for capital improvements. **OUGHT TO PASS WITH AMENDMENT** Rep. Kenneth L. Weyler for Finance: This is the capital budget bill. The Public Works and Highway Committee had done a fine job of reviewing requests to keep from exceeding the Treasurer's recommendation of \$50 million in general fund bonding.

Changes made by the Finance Committee were to extend bonding authority on ten projects approved in previous budgets, but about to lapse due to delays. Many of these requests arrived after Public Works' action on the bill.

The Department of Education expressed difficulty in accomplishing mandates from HB 117 without more information technology spending. The committee added \$265,550 to their capital budget by reclassifying Department of Safety budget to highway funds. There was also a \$75,000 increase in Fish and Game bonding at the department's request. Vote 15-0.

**Amendment (1690h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.

A. NHSVC maintenance building and equipment completion	\$ 610,000
Less federal	<u>-610,000</u>
Net state appropriation subparagraph A	\$0
B. Replacement of information technology hardware systems & applications *	<u>62,000</u>
Total state appropriation paragraph I	\$ 62,000

II. Department of Administrative Services, Division of Plant and Property Management.

A. Bureau of General Services.

1. Life safety code compliance – Johnson Hall building	\$ 170,000
2. Defective elec. wiring & panel replacement, health and human services building	148,500
3. Replace defective cooling tower legislative office building	<u>66,000</u>

4. Flash & coat (2) stair towers – health and human services building	88,000
5. Repair building foundation – Storrs St. warehouse	52,000
6. Renovate existing facility – 61 South Spring St.	1,580,800
7. Communications equipment upgrade *	200,000
8. Executive/Legislative budget system *	294,000
9. Information technology plan consultants *	250,000
10. Equipment upgrade-DASD *	200,000
11. Business continuity plan *	250,000
12. Consulting service-asset tracking system *	750,000
13. VSE to MSV Conversion *	200,000
14. Bridges House roof and structural rehabilitation	125,000
15. Light replacement – health and human services *	389,050
16. Light replacement – safety *	177,000
Net state appropriation subparagraph A	\$ 4,940,350
B. Bureau of Court Facilities.	
1. Carroll County courthouse construction	\$ 1
Net state appropriation subparagraph B	\$ 1
Total state appropriation paragraph II	\$ 4,940,351
III. Department of Agriculture, Markets, and Food.	
A. Laboratory equipment	\$ 195,000
Total state appropriation paragraph III	\$ 195,000
IV. Community-technical college system.	
A. Alan B. Shepard memorial wing development, Christa McAuliffe planetarium – Concord	\$ 100,000
B. Library accreditation compliance	4,700,000
C. Maintenance/critical repairs	1,365,000
D. General science laboratory upgrade	600,000
E. Computer systems/hardware *	132,500
Total state appropriation paragraph IV	\$ 6,897,500
V. Department of Corrections.	
A. Replace boiler plant – women's prison	\$ 200,000
B. New halfway house – southern	1,500,000
C. Year 2000 equipment replacement/upgrade *	146,000
D. Expansion of department WAN *	126,000
Total state appropriation paragraph V	\$ 1,972,000
VI. Department of Education.	
A. Computer applications expansion/replacement *	\$ 565,550
Total state appropriation paragraph VI	\$ 565,550
VII. Department of Environmental Services.	
A. Drinking water state revolving fund matching funds	\$ 2,946,780
B. Wastewater state revolving fund matching funds	270,314
C. Hazardous waste superfund match	3,140,000
D. Storage building for emergency response equipment	540,000
Less federal	-432,000
Net state appropriation subparagraph E	108,000
E. Natural resources mapping	304,000
Less federal	-124,000
Net state appropriation subparagraph E	180,000
F. Bedrock aquifer program	215,515
G. Implementation of information technology plan *	317,104
Total state appropriation paragraph VII	\$ 7,177,713
VIII. Department of Health and Human Services Commissioner's Office.	
A. Laboratory safety improvements	\$ 242,000
B. Laundry and bathing equipment – Glencliff	80,000

C. APS kitchen floor & window repairs – N.H. Hospital	100,000
D. Laundry equipment replacement – N.H. Hospital	180,000
E. Main Bldg./Annex 1 roof replacement –behavioral health	1,210,000
F. Laconia developmental services campus – designated receiving facility renovations – developmental services	500,000
G. Philbrook fire safety improvements – N.H. Hospital	115,000
H. Information technology *	\$20,500,000
Less federal	<u>-13,000,000</u>
Net state appropriation subparagraph H	<u>7,500,000</u>
Total state appropriation paragraph VIII	\$ 9,927,000
The funds appropriated in subparagraph VIII, H for information technology programs shall not be committed, contracted for, or expended, without the prior written approval of the governor.	
IX. Office of Emergency Management.	
A. Telephone system replacement	<u>\$ 218,800</u>
Total state appropriation paragraph IX	\$ 218,800
X. Liquor Commission.	
A. Renovate store #73, Hampton – southbound	<u>\$ 1,425,000</u>
Total state appropriation paragraph X	\$ 1,425,000
XI. Port Authority.	
A. Security monitoring system	\$ 140,000
B. Building improvements	<u>300,000</u>
Total state appropriation paragraph XI	\$ 440,000
XII. Department of Resources and Economic Development.	
A. ADA compliance for parks facilities	\$ 150,000
B. Statewide radio system	650,000
Less federal	<u>-150,000</u>
Net state appropriation subparagraph B	500,000
C. Construct 15 recreational vehicle sites – Moose Brook	100,000
D. Septic gray water system – Mount Washington	150,000
E. Install power – Crawford Notch	<u>150,000</u>
Total state appropriation paragraph XII	\$ 1,050,000
XIII. Department of Transportation.	
A. Match for FAA projects	\$ 500,000
B. Match for public transit bus replacement	290,000
C. Match for regional aircraft fire training facility	700,000
D. Acquisition for abandoned railroads & airports	1,450,000
E. Concord rail bridge	650,000
F. Compliance, governor's commission on disability – All general fund agencies	<u>1,000,000</u>
Total state appropriation paragraph XIII	\$ 4,590,000
XIV. N.H. Veterans Home.	
A. Design and build new facility	\$ 10,000,000
Less federal	<u>-6,500,000</u>
Net state appropriation subparagraph A	3,500,000
Total state appropriation paragraph XIV	\$ 3,500,000
XV. Youth Development Services.	
A. King cottage renovations – design only – YDC	\$ 27,000
B. Safe rooms for Tobey building – construction – YDC	245,000
C. Purchase 4 generators *	210,000
D. Phase I – preparation for agency networking *	<u>225,000</u>
Total state appropriation paragraph XV	<u>\$ 707,000</u>
Total state appropriation section I	\$ 43,667,914

\* The bonds issued for these projects shall be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Pettee Hall general renovation	\$4,300,000
B. New Hampshire public television equipment	<u>2,000,000</u>
Total state appropriation section 2	\$ 6,300,000

3 Appropriation; Department of Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Broodfish facility – Milford	\$ 180,000
B. Repair & replacement of fish rearing containers	350,000
C. Water line repair/replacement	200,000
D. Central boat/equipment storage – Concord	210,000
E. Barry conservation camp building replacement	100,000
F. Headquarters Exhibit Refurbishment	<u>75,000</u>
Total state appropriation section 3	\$ 1,115,000

4 Appropriation; Department of Transportation and Department of Safety. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Transportation.

A. Paint storage & transfer building	\$ 415,000
B. Roof repair/Stickney Ave.	630,000
C. Patrol shed – Exeter	600,000
D. Additions & modifications to building B – traffic	325,000
E. Energy & environmental renovations – statewide	1,000,000
F. Conway rest area	500,000
G. Morton building	3,000,000
H. CAD/D transition *	552,000
I. PC & Server & Software Upgrade *	<u>603,000</u>

Total state appropriation paragraph I \$ 7,625,000

II. Department of Safety.

A. Carpeting at 10 Hazen Drive, Concord	\$154,000
B. Design and construct Troop D barracks/DMC training	910,000
C. Paving and roof replacement at troop stations	80,000
D. Video surveillance system – troop stations/Hayes bldg.	<u>50,000</u>

Total state appropriation paragraph II \$ 1,194,000

Total state appropriation section 4 \$ 8,819,000

\* The bonds issued for these projects shall be 5-year bonds.

5 Expenditures; General. The appropriations made for the purposes mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 2, paragraph A of this act for the Pettee Hall general renovation, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$59,901,914 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

#### 9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made when due from the fish and game fund.

(b) Section 4 shall be made when due from the highway fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of bonds and notes issued for the purpose of section 2.

11 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

12 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, or for expenditures made pursuant to section 6 by the trustees of the university system, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

13 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.



14 Information Technology Equipment and Software. Individual project appropriations for information technology equipment provided for by sections 1, 3, or 4, or for any other agency in any budget bill enacted during the 1999 legislative session, shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the division of information technology management pursuant to RSA 21-I:67 and approved by the capital budget overview committee. The division of information technology management shall review any such agency technology plans within 90 days. An agency may request an extension of time from the capital budget overview committee.

15 Youth Development Services; Capital Budget Overview Committee Approval. Amend 1997, 351:68, as amended by 1998, 372:2, to read as follows:

351:68 Expenditure of Funds Appropriated for Construction and Renovations - YDC in HB 25-A. The appropriation for construction and renovations - YDC made to the department of youth development services in section 1, paragraph XVI, D of HB 25-A of the 1997 legislative session shall be set aside for a match for any federal funds which are now or may be made available for the construction or renovation costs of facilities for juvenile offenders and shall not be spent, obligated, or encumbered until such time as *the department receives approval from* the capital budget overview committee [~~approves the consultant's survey authorized under section 67 of this act~~].

16 Regional Community-Technical Colleges; Early Childhood Laboratory School Fund Established. Amend RSA 188-F by inserting after section 20 the following new section:

188-F:20-a Early Childhood Laboratory School Fund. There is established the early childhood laboratory school fund which shall be administered by the department of regional community-technical colleges. Moneys received from private donations or from federal or other sources shall be deposited into the fund. The purpose of the fund is to provide for payment of the cost of bonds and notes on the early childhood laboratory school on the Concord campus, and to enhance academic programs in parent education. The fund shall be continually appropriated to the department of regional community-technical colleges and shall be nonlapsing.

17 Appropriation; Payment of Bonds and Notes; Regional Community-Technical Colleges; Early Childhood Laboratory School.

I. The sum of \$427,400 is appropriated to the regional community-technical colleges for the purpose of the construction of the early childhood laboratory school on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$427,400 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the early childhood laboratory school fund established in RSA 188-F:20-a.

18 Appropriation Purpose Amended; Resources and Economic Development; Cannon Ski Area. Amend 1995, 309:1, XII, A, 2 to read as follows:

2. [~~Sunapee~~] Cannon lift and ski area repairs \$ 527,000

19 Lapse Date Eliminated; Resources and Economic Development; New Hampshire Economic Development Fund. Amend 1991, 4:22 as amended by 1992, 289:26, 1993, 358:18 and 1995, 285:1, and as extended by 1997, 349:34, II to read as follows:

4:22 Appropriation. The sum of \$5,750,000 is hereby appropriated to the department of resources and economic development for the purpose of carrying out the provisions of section 21 of this act. These funds shall be in addition to any other funds appropriated to the department and [~~on June 30, 1997, all unexpended and unencumbered balances~~] shall *not* lapse.

20 Lapse Date Eliminated; Resources and Economic Development; New Hampshire Economic Development Fund. Amend 1993, 349:18, III as inserted by 1995, 285:2 and as amended by 1997, 349:18 to read as follows:

III. The appropriation contained in paragraph I shall not lapse [~~until June 30, 1999~~]. Any balances remaining [~~as of June 30, 1997,~~] shall be allocated by the review committee or budgeted within the state operating budget for the purposes of paragraph I or other economic initiatives and programs.

21 Glenciff Home for the Elderly Added. Amend 1995, 310:191, as amended by 1997, 349:31 and 1998, 276:2 to read as follows:

310:191 Department of Health and Human Services; Acute Psychiatric Services Building Renovation; M & S Building; Thayer Building; Glenciff Home for the Elderly Appropriation. The sum of \$2,800,000 is hereby appropriated to the department of health and human services for the design and renovation of, and purchase of equipment and furnishing for the B-wing of the acute

psychiatric services building; furnishings, painting, safety features and other patient-required improvements in the M & S Building and the Thayer Building for the use of psychiatric nursing home services; ~~and~~ furnishings, painting, safety features, and other patient-required improvements at the Glencliff home for the elderly; **and improvements to the Brown Building**. This appropriation is in addition to any other funds appropriated to the department of health and human services.

22 Capital Appropriation to Department of Safety; Amount Increased. Amend 1997, 349:4, II, A as amended by 1998, 276:4 to read as follows:

A. Dover Point substation addition,

[~~\$390,000~~] **\$460,000**

Warehouse/Epping station

23 Capital Budget; 1997 HB 25-A; Total Appropriation Increased; highway Funds. Amend 1997, 349:4, total state appropriation section 4 to read as follows:

Total state appropriation section 4

[~~\$4,790,000~~] **\$4,860,000**

24 Capital Budget; 1997 HB 25-A; Total Increased. Amend 1997, 349:8 to read as follows:

349:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$67,998,437~~] **\$68,068,437** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

25 Lapse Dates Extended to June 30, 2001. The following appropriations are hereby extended to June 30, 2001.

I. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as amended by 1991, 351:27, II(I) and 1992, 289:60, as extended by 1993, 359:20, V, 1995, 309:32, VII, 1996, 215:3, I, and 1997, 349:34, I for improvements at the Keene Dillant-Hopkins airport.

II. The appropriation made to the department of transportation in 1997, 349:1, XIV, B for statewide fuel tank program.

III. The appropriation made to the department of environmental services in 1993, 359:1, IV, B for the state revolving fund match.

IV. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, and 1997, 349:34, X for land acquisition for navigation beacons.

V. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, as extended by 1997, 349:34, XI for the health and human services building and laboratory HVAC renovations.

VI. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 3, as extended by 1997, 349:34, XIV for the study and design of court facility on county donated land – Carroll County Superior Court.

VII. The appropriations made to the department of administrative services in 1997, 349:1, II, A, 10 and 11 for parking garage repairs at the legislative office building and Storrs Street garages.

VIII. The appropriation made to the department of corrections in 1995, 309:1, IV, K, as amended by 1997, 349:29, and as extended by 1997, 349:34, XVII for preliminary design of expanded correctional facilities, including land acquisition, in accordance with federal crime bill grants.

IX. The appropriation made to the department of corrections in 1995, 309:1, IV, L and as amended by 1997, 349:34, XVIII for the construction of boilers, N.H. state prison for women, Goffstown.

X. The appropriation made to the department of environmental services in 1995, 309:1, VI, A as extended by 1997, 349:34, XIX for the state revolving fund program – wastewater.

XI. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, 1 as extended by 1997, 349:34, XXIII for RSA 171-B mentally retarded criminal offenders.

XII. The appropriation made to the department of health and human services in 1995, 309:1, VII, C, 1 as extended by 1997, 349:34, XXIV for life and safety renovations – Glencliff.

XIII. The appropriation made to the department of health and human services commissioner's office in 1997, 349:1, VII, B as amended by 1998, 276:1, for acute psychiatric service building parking improvement – NH hospital.

XIV. The appropriation made to the department of health and human services commissioner's office in 1997, 349:1, VII, E, as amended by 1998, 276:1, for repair tunnel retaining walls – Glencliff.

XV. The appropriation made to the department of health and human services commissioner's office in 1997, 349:1, VII, J for additional renovations – Brown building – NH hospital.

XVI. The appropriation made to the department of resources and economic development in 1995, 309:1, XII, A, 2 as amended by section 18 of this act and as extended by 1997, 349:34, XXVIII for Cannon lift and ski area repairs.

XVII. The appropriation made to the department of resources and economic development in 1997, 335:3 for the purchase and development of property in Piermont, New Hampshire on Lake Tarleton.

XXVIII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 3 and 4 for roof repairs – supreme court and health and human services building.

XIX. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 9 for repair of drainage system – state library.

XX. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 10 and 11 for parking garage repairs – legislative office building and Storrs street.

XXI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12 for the emergency repairs, contingency fund.

XXII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13 for the life safety, renovations – health and human services building.

XXIII. The appropriation made to the department of administrative services in 1997, 349:1, II, B, 1-3 for LAN hardware and site preparation, year 2000 financial support system, and check processing and mailing system.

XXIV. The appropriation made to the department of administrative services in 1997, 349:1, II, C, 1 for the bureau of court facilities Dover/Durham/Somersworth District Court.

XXV. The appropriation made to the community technical college system in 1997, 349:1, IV, A for telephone systems and roof projects- Manchester, Claremont, Nashua, and Concord.

XXVI. The appropriation made to the community technical college system in 1997, 349:1, IV, C for critical laboratory support for N.H. industries.

XXVII. The appropriation made to the community technical college system in 1997, 349:1, IV, E for upgrade of general science laboratories.

XXVIII. The appropriation made to the department of environmental services in 1997, 349:1, VI, A for the waste water state revolving fund match.

XXIX. The appropriation made to the department of environmental services in 1997, 349:1, VI, B for the drinking water state revolving fund match.

XXX. The appropriation made to the department of environmental services in 1997, 349:1, VI, D for the bedrock aquifer assessment.

XXXI. The appropriation made to the department of environmental services in 1997, 349:1, VI, F for dam removal.

XXXII. The appropriation made to the department of health and human services commissioner's office in 1997, 349:1, VII, F and as amended in 1998, 276:1 for the Brown Building addition and renovation – Glencliff.

XXXIII. The appropriation made to the port authority in 1997, 349:1, IX, D for the maintenance dredging Hampton/Seabrook harbor.

XXXIV. The appropriation made to the port authority in 1997, 349:1, IX, C for dredging Little Harbor.

XXXV. The appropriations made to the department of resources and economic development in 1997, 349:1, X, B-D for repair Rocky Bend seawall, replace bath house – Sunapee, and replace bridge – Lafayette campground.

XXXVI. The appropriation made to the department of transportation in 1997, 349:1, XIV, A for 5-10 percent match FAA airport projects.

XXXVII. The appropriation made to youth development services in 1997, 349:1, XVI, D as amended by 1997, 351:68 and 1998, 372:2, 3 and as amended by section 15 of this act for construction and renovations – YDC.

XXXVIII. The appropriation made to the department of transportation in 1997, 349:4, I, A for John O. Morton building renovation.

XXXIX. The appropriation made to the department of safety in 1997, 349:4, II, A as amended by 1998, 276:4 and as amended by section 22 of this act for warehouse/Epping station.

XL. The appropriation made to the department of safety in 1997, 349:4, II, B as amended by 1998, 276:4 for microwave system upgrade.

XLI. The appropriation made to the department of corrections in 1998, 223:2 for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

XLII. The appropriation made to the university system in 1992, 260:16 as amended by 1997, 351:51 for site planning and design of a research facility on the university of New Hampshire campus to enable the university to develop an entrepreneurial campus concept.

XLIII. The appropriations made to the department of fish and game in 1995, 309:3, A and B as extended by 1997, 349:34, XXXV for roof repairs and concrete repair/replacement – hatcheries.

XLIV. The appropriation made to the department of fish and game in 1997, 349:3, I for headquarters building modification.

XLV. The appropriation made to the liquor commission in 1997, 349:1, VIII, B for point of sale registers.

XLVI. The appropriation made to the department of education in 1997, 349:I, V, A for phase II computer implementation.

26 Effective Date.

I. Section 25 of this act shall take effect June 30, 1999.

II. The remainder of this act shall take effect July 1, 1999.

Adopted.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Vaughn spoke in favor.

Rep. Alger requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 273 NAYS 18

### YEAS 273

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Holbrook, Robert
Lawton, David	Lawton, Robert	Millham, Alida	Pilliod, James
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine

#### CARROLL

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Philbrick, Donald	Sullivan, P Judith	

#### CHESHIRE

Batchelder, Robert	Burnham, Daniel	Doucette, Richard	Hunt, John
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Roberts, William	Robertson, Timothy	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	

#### COOS

Guay, Lawrence	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert	Tholl, John, Jr

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Dudley, Terri	Guest, Robert
Ham, Bonnie	Harmon, Hobart	LaMott, Paul	Marshall, Gene
Nordgren, Sharon	Phinney, William	Solow, Martha	

#### HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Beaupre, Roland
Belvin, William	Bergeron, Lucien	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Chabot, Robert	Clegg, Robert, Jr	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Dalianis, Griffin

Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A
Dwyer, Paul, Sr	Fenton, James	Fields, Dennis	Fletcher, Richard
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert	Holley, Sylvia
Jean, Claudette	Jean, Loren	Johnson, Lionel	Konys, Christine
Kurk, Neal	LaPorte, George	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martel, Andre	McCarthy, Winston	McDonald, James, Sr
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William
Murphy, Robert	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Perkins, Paul	Peterson, Andrew	Reeves, Sandra	Reidy, Frank
Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy
White, Donald	White, John	Withee, Dennis	

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hess, David
Jacobson, Alf	Kennedy, Richard	Leber, William	Lockwood, Priscilla
Marple, Richard	Maxfield, Roy	Moore, Carol	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Blanchard, MaryAnn
Christie, Andrew, Jr	Clark, Martha	Clark, Vivian	Cox, Russell
Dalrymple, Janeen	DiFruscia, Anthony	Dolan, Richard	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowski, Walter	Morse, Charles	Norelli, Terie
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Quandt, Marshall	Raynowska, Bernard	Ruffner, Walter	Sapareto, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stickney, Nancy
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Grassie, Anne	Heon, Richard	Kaen, Naida	Keans, Sandra
Knowles, William	Lundborn, Raymond	McKinley, Robert	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Spear, Barbara	Taylor, Kathleen	Torr, Franklin	Twardus, Joseph
Vachon, Dennis	Vincent, Francis	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Flint, Gordon, Sr
Leone, Richard	Phinizy, James	Robb-Theroux, Amy	Tuthill, John

**NAYS 18**  
**BELKNAP**

Rice, Thomas

**CARROLL**

Patten, Betsey

**CHESHIRE**

Rose, William

**COOS**

Woodward, David

**GRAFTON**

Brothers, Richard  
Weber, Phil

Hall, David

Hinman, Harry

Mirski, Paul

**HILLSBOROUGH**

Arnold, Thomas, Jr  
L'Heureux, Robert

Desrosiers, William  
Martin, Mary

Herman, Keith  
McGough, Tim

Keye, Harvey

**MERRIMACK**

Marshall, Kenneth

**ROCKINGHAM**

Putnam, Ed, II

**STRAFFORD**

None

**SULLIVAN**

None

and the report was adopted.

Ordered to third reading.

Rep. Blaisdell did not vote and wished to be recorded in favor.

**HB 279-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. RE-REFER TO COMMITTEE

Rep. Charles L. Vaughn for Finance This bill suggests refinancing the cost and rehabilitation of the Cheshire Bridge by abolishing the tolls used to pay off \$2,000,000 bonded indebtedness and authorizing bond payments from a special account established in the highway fund. Although the elimination of the toll collection is likely to have a positive economic impact on Charlestown and surrounding towns, the Finance Committee along with Public Works and Highways needs to determine the 4-to-1 federal match implications which would result from utilizing the gas tax funds towards bridge payments instead of using them for the federal match. The use of \$2 million in gas tax funds over 5 years is likely to cause the loss of \$8 million in federal matching funds. Moreover, the committee needs to consider the impact of the precedent set by this bill. Time is needed to get answers to these important questions. Vote 13-3.

Reps. Phinizy and Vaughn spoke in favor.

Adopted.

**HB 303-FN-A**, relative to the preservation of and access to legislative records and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Charles L. Vaughn for Finance: This bill is the result of a study committee (HB 111, Chapter 36:1, Laws of 1998). It requires the Division of Records Management and Archives, Department of State, to preserve legislative committee records, and appropriates general funds for equipment and other costs.

The study committee reviewed present procedures for receiving, storing and accessing our historical legislative records, reviewed various technologies, costs, durability and processes with many consultants, information system managers and others for accomplishing this task. The implementation and cost of the recommended preservation and electronic access plan is included in this bill. With the sponsor's approval, we are recommending that this bill be re-referred to allow investigation of other methods of funding the \$140,000 cost. Vote 17-2.  
Adopted.

**HB 553-FN-A**, establishing a commission on the status of men, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert K. Boyce for Finance: This bill would require \$45,000 per year which is not in the budget. The committee amendment removes the appropriation but leaves in the ability for the commission to accept and expend gifts or grants. Vote 17-2.

### **Amendment (1699h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a commission on the status of men.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

### **AMENDED ANALYSIS**

This bill establishes a commission on the status of men to address issues of cultural bias and stereotyping, health problems unique to men, and methods for encouraging personal growth.

The commission is terminated on September 1, 2005.

Adoried.

Rep. Bickford requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 210 NAYS 76**

**YEAS 210**

### **BELKNAP**

Bartlett, Gordon  
Millham, Alida  
Wendelboe, Francine

Boriso, Thomas  
Pilliod, James

Boyce, Robert  
Thomas, John

Holbrook, Robert  
Turner, Robert

### **CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Sullivan, P Judith

Chandler, Gene  
Lyman, L Randy

Dickinson, Howard  
Mock, Henry

### **CHESHIRE**

Batchelder, Robert  
Lynch, Margaret  
Mitchell, McKim  
Riley, William

Blaisdell, Michael  
Manning, Joseph  
Pratt, Irene  
Royce, H Charles

Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Hunt, John  
Meader, David  
Richardson, Barbara  
Zerba, Roger

### **COOS**

Guay, Lawrence  
Merrill, Gerald  
Woodward, David

Hawkinson, Marie  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

Mears, Edgar  
Tholl, John, Jr

### **GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene

Almy, Susan  
Ham, Bonnie  
Nordgren, Sharon

Cobb, John  
Hinman, Harry  
Weber, Phil

Densmore, Jessica  
LaMott, Paul

### **HILLSBOROUGH**

Ahern, Richard  
Buckley, Raymond

Batula, Peter  
Chabot, Robert

Brundige, Robert  
Clegg, Robert, Jr

Bruno, Pierre  
Craig, James

Dalianis, Griffin  
 Fenton, James  
 Gagnon, Eugene  
 Haettenschwiller, Alphonse  
 Johnson, Lionel  
 L'Heureux, Robert  
 Lessard, Rudy  
 Martel, Andre  
 Melcher, Harold  
 Mosher, William  
 Perkins, Paul  
 Rowe, Robert  
 Turgeon, Roland

Desmarais, Vivian  
 Fields, Dennis  
 Ginsburg, Ruth  
 Holley, Sylvia  
 Keye, Harvey  
 LaPorte, George  
 Lozeau, Donnalee  
 Martin, Mary  
 Mercer, Robert  
 Murphy, Robert  
 Peterson, Andrew  
 Sarette, John  
 Vaillancourt, Steve

Dokmo, Cynthia  
 Ford, Nancy  
 Goley, Jeffrey  
 Jean, Claudette  
 Konys, Christine  
 LaRose, Richard  
 Lynde, Harold  
 McDonald, James, Sr  
 Messier, Irene  
 O'Hearn, Jane  
 Reeves, Sandra  
 Sargent, Maxwell  
 White, John

Drabinowicz, A  
 Foster, Linda  
 Goulet, Maurice  
 Jean, Loren  
 Kurk, Neal  
 Lasky, Bette  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Milligan, Robert  
 Pappas, Marc  
 Reidy, Frank  
 Thulander, O Alan

### MERRIMACK

Bouchard, Candace  
 Fortnam, Janet  
 Kennedy, Richard  
 Rodd, Beth

Crosby, Toni  
 Gile, Mary  
 Leber, William  
 Seldin, Gloria

Davis, Francis  
 Hess, David  
 Lockwood, Priscilla  
 Soltani, Tony

Feuerstein, Martin  
 Jacobson, Alf  
 Maxfield, Roy  
 Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
 Christie, Andrew, Jr  
 DiFruscia, Anthony  
 Flanagan, Natalie  
 Gleason, John  
 Johnson, Robert  
 Kobel, Rudolph  
 McKinney, Betsy  
 Nowe, Ronald  
 Pitts, Jacqueline  
 Ruffner, Walter  
 Stickney, Nancy  
 Welch, David

Beaulieu, Jon  
 Clark, Martha  
 Dolan, Richard  
 Flanders, John, Sr  
 Grant, Kenneth  
 Kane, Cecelia  
 Langley, Jane  
 Mikowski, Walter  
 Noyes, Richard  
 Priestley, Anne  
 Sapareto, Frank  
 Tufts, J Arthur  
 Weyler, Kenneth

Belanger, Ronald  
 Cooney, Richard  
 Downing, Michael  
 Francoeur, Sheila  
 Griffin, Mary  
 Katsakiores, George  
 Letourneau, Robert  
 Morse, Charles  
 O'Neil, Michael  
 Quandt, Marshall  
 Shelton, Richard  
 Varrell, Thomas  
 Zolla, William

Blanchard, MaryAnn  
 Dalrymple, Janeen  
 Fesh, Robert  
 Gibbons, Paul  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Major, Norman  
 Nowe, Mary Lou  
 Pantelakos, Laura  
 Raynowska, Bernard  
 Splaine, James  
 Weare, Everett

### STRAFFORD

Berube, Roger  
 Cossette, Larry  
 Kaen, Naida  
 Rollo, Michael  
 Torr, Franklin  
 Wall, Janet

Bickford, David  
 Dunlap, Patricia  
 Keans, Sandra  
 Snyder, Clair  
 Twardus, Joseph  
 Woods, Phyllis

Brennan, William  
 Gilmore, Gary  
 Knowles, William  
 Spang, Judith  
 Vachon, Dennis

Callaghan, Frank  
 Heon, Richard  
 Rogers, Rose Marie  
 Spear, Barbara  
 Vincent, Francis

### SULLIVAN

Burling, Peter  
 Phinizy, James

Cloutier, John  
 Robb-Theroux, Amy

Flint, Gordon, Sr  
 Tuthill, John

Leone, Richard

### NAYS 76

### BELKNAP

Rice, Thomas

### CARROLL

Philbrick, Donald

### CHESHIRE

Burnham, Daniel  
 Smith, Edwin

Roberts, William

Robertson, Timothy

Rose, William



**COOS**

Landers, Dana

**GRAFTON**Alger, John  
Hall, DavidBrothers, Richard  
Harmon, HobartCopenhaver, Marion  
Phinney, WilliamGuest, Robert  
Solow, Martha**HILLSBOROUGH**Andrews, Frederick  
Belvin, William  
Daniels, Gary  
Garrish, Linda  
Leonard, Peter  
Moriarty, Mary  
White, DonaldArnold, Thomas, Jr  
Bergeron, Lucien  
Desrosiers, William  
Gorman, Mary  
McCarty, Winston  
Ouellette, Dean  
Withee, DennisArthur, Rose  
Cote, David  
Dwyer, Paul, Sr  
Hansen, Herbert  
Mendenhall, Leslie  
Simon, AnthonyBeaupre, Roland  
Cote, Peter  
Fletcher, Richard  
Herman, Keith  
Moran, Edward  
Wall, Nancy**MERRIMACK**Anderson, Eric  
French, Barbara  
Reardon, Tara  
Wallner, Mary JaneBrewster, Richard  
Marshall, Kenneth  
St Cyr, Gerard  
Whalley, MichaelDaneault, Gabriel  
Moore, Carol  
Virtue, Carolyn  
Yeaton, CharlesFraser, Marilyn  
Potter, Frances  
Wallin, Jean**ROCKINGHAM**Clark, Vivian  
Langone, John  
Shultis, ElizabethCox, Russell  
Norelli, Terie  
Stritch, C DonaldHutchinson, Rebecca  
O'Keefe, Patricia  
Whittier, JohnKelley, Jane  
Putnam, Ed, II**STRAFFORD**Brown, George  
McKinley, RobertEstabrook, Iris  
Smith, MarjorieGrassie, Anne  
Taylor, Kathleen

Lundborn, Raymond

**SULLIVAN**

Allison, David

and the report was adopted.  
Ordered to third reading.**HB 617-FN-A-L**, relative to funding and monitoring seacoast harbor issues. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: The committee has attempted to deal with the important harbor dredging and pier maintenance issues in this bill. Unfortunately time pressures have not allowed us to settle these issues and re-referral will give us the time to give these issues the full attention they deserve. The studies contained in this bill have been placed in HB 2. Vote 17-0.

Adopted.

**HB 625-FN-A**, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Finance: This bill establishes a mercury emissions reduction and control program. The committee enthusiastically supports the provisions of this bill as they apply to the Penacook incinerators, since these will have no general fund impact. The committee was unwilling to fund 100% of the cost of the mercury emissions reduction equipment at the Claremont incinerator (this would have cost over \$170,000 per year for 5 years), and was unable to determine what fraction the state should pay or whether Part 1, Article 28-a would apply. The committee amendment postpones the applicability of the new state mercury emissions standard for the Claremont incinerator until it is subject to a new federal standard which appears to be in the pipeline, and eliminates the now-unnecessary grant program. This will also allow additional time to examine additional options. There is no financial impact to the general fund in this bill as amended. Vote 18-0.

**Amendment (1703h)**

Amend RSA 125-L:3, I as inserted by section 1 of the bill by replacing it with the following:

I. Any municipal waste combustor with a design capacity to burn 100 tons per day or more of municipal solid waste which is subject to a federal maximum mercury emission rate of 0.08 milligrams per dry standard cubic meter (mg/dscm) or less shall reduce its mercury emissions to achieve a mercury emission rate of no greater than 0.028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

Amend RSA 125-L:4 as inserted by section 1 of the bill by replacing it with the following:

125-L:4 Rulemaking Authority. The commissioner shall adopt rules, under RSA 541-A relative to:

I. Procedures and frequency for stack testing, testing protocols, measurement methods, and other such actions as may be necessary to verify compliance with this chapter.

II. Fees for implementing and enforcing the terms and conditions relating to reduction of mercury emissions of a permit issued in accordance with RSA 125-C.

Amend RSA 125-L:5, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall operate a municipal waste combustor with the design capacity to burn 100 tons per day or more of municipal solid waste without a temporary or operating permit issued by the department in accordance with RSA 125-C. Any source subject to this section shall file a complete application for a permit or permit modification under the provisions of RSA 125-C and a plan for achieving compliance with this chapter. Combustors with a design capacity of 250 tons per day or more shall submit such plan and application by July 1, 2000 in order to comply by January 1, 2001 with the emission limits established by this chapter. Combustors with a design capacity of less than 250 tons per day but not less than 100 tons per day which are subject to RSA 125-L:3, I shall submit such plan and application by January 1, 2001 in order to comply by July 1, 2001 with the emission limits established by this chapter.

Amend RSA 125-L as inserted by section 1 of the bill by deleting RSA 125-L:8.

Adopted.

Report adopted and ordered to third reading.

**HB 643-FN-A-L**, transferring the regulation of emergency medical services from the department of health and human services to the department of safety. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Jeffrey C. MacGillivray for Finance: This bill transfers the regulation of emergency medical services from the Department of Health and Human Services to the Department of Safety. This transfer has been studied for several years and is supported by all relevant parties. All costs and appropriations of the division, previously budgeted under the Department of Health and Human Services are being transferred to the Department of Safety, so the only increased cost is due to converting the new division director from a classified employee to an unclassified employee. The committee amendment completes the original intention of the bill to place all operating fees and operating revenues generated by this division in the general fund. Vote 15-0.

**Amendment (1523h)**

Amend RSA 21-P:12-b, II(1) as inserted by section 3 of the bill by replacing it with the following:

(1) With the approval of the commissioner, accept in the name of the state any and all donations and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, utilize, expend, and dispose of such funds subject to budgetary provisions, consistent with the rules of the department of safety and the purposes or conditions of the donation or grant.

Amend RSA 21-P:12-b, III as inserted by section 3 of the bill by replacing it with the following:

III. The receipt of a donation or grant under subparagraph II(1) shall be noted in the biennial report of the department of safety, which will also identify the nature of the donation or grant and the conditions of the donation or grant, if any. Any moneys received by the division pursuant to subparagraph II(1) shall be deposited in the state treasury to the account of the department of safety and shall not lapse. In addition, the division may receive, hold, and use gifts, bequests, and devises either outright or in trust for purposes consistent with this chapter.

Amend RSA 153-A:15 as inserted by section 6 of the bill by replacing it with the following:

153-A:15 Fees. The commissioner may charge a fee for licensure of an emergency medical service unit, an emergency medical service vehicle, or an emergency medical care provider. However, no fee shall be charged to a nonprofit corporation or volunteer association. The sums obtained from fees charged for licensure shall be forwarded to the state treasurer to be deposited into the general fund.

Amend paragraph II as inserted by section 12 of the bill by replacing it with the following:

II. All of the functions, powers, duties, and responsibilities of the department of health and human services, office of community and public health, bureau of emergency medical services are transferred to the department of safety, division of emergency medical services. The transfer provided for in this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other available funds in any account or subdivision of an account of the department of health and human services and authorized for use by the office of health management, bureau of emergency medical services, actions and other property or obligations of any kind of the department of health and human services, office of community and public health management, bureau of emergency medical services.

Amend paragraph IV as inserted by section 12 of the bill by replacing it with the following:

IV. Notwithstanding the provisions of RSA 21-P:3, II and RSA 21-P:12-b, the first term of the director of emergency medical services shall be for a period of one year. The initial salary for the first-appointed director of emergency medical services shall be at step 1 of RSA 94:1-a, group N.

Amend the bill by replacing all after section 12 with the following:

13 Contingency. Sections 1-12 of this act shall take effect on the date on which 1999, HB 1-A, An Act making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000, and June 30, 2001, takes effect.

14 Effective Date.

I. Sections 1-12 of this act shall take effect as provided in section 13 of this act.

II. The remainder of this act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 649-FN**, relative to nitrogen oxide emissions from electricity generation. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Finance: This bill relates to air pollution emissions of nitrogen oxides from small power plants. There is no cost to the general fund, only the collection of funds for a dedicated fund. The committee amendment simplifies the dates on which charges collected change, and eliminates the collection of charges until January 1, 2000. Vote 17-0.

#### Amendment (1704h)

Amend RSA 125-J:13, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The payment provided for in subparagraph II(a) shall be made annually and shall be equal to the number of tons of NOx emitted by the NOx-emitting generation source, less the tons of NOx not requiring emission reduction mechanisms under paragraph I, times a fee of \$200 per ton for tons emitted during the period running May 1 to September 30 and a fee of \$100 per ton for tons emitted during the period running October 1 to April 30. These fees shall be multiplied by:

- (1) Zero for tons emitted prior to January 1, 2000.
- (2) One for tons emitted between January 1, 2000 and June 30, 2000, inclusive.
- (3) Two for tons emitted between July 1, 2000 and June 30, 2001, inclusive.
- (4) Three for tons emitted between July 1, 2001 and June 30, 2002, inclusive.
- (5) Four for tons emitted between July 1, 2002 and June 30, 2003, inclusive.
- (6) Five for tons emitted on or after July 1, 2003.

Adopted.

Report adopted and ordered to third reading.

**HB 669-FN**, relative to the determination of current comparable compensation for persons with gainful earnings who receive disability retirement benefits. OUGHT TO PASS

Rep. Jeffrey C. MacGillivray for Finance: This bill benefits a small number of employees who became disabled, attempted to return to work at a lower rate of pay, and subsequently lost some of their disability benefits as a result. The committee agrees that these employees should be commended for their attempt to return to work after their disability, not punished with a smaller disability benefit. The total cost to the retirement system's special account will be \$786,000 in FY 2000. By law, there is no current or future impact on the general fund. Vote 19-0.

Adopted.

Ordered to a third reading.

RECESS

## (Speaker Sytek in the Chair)

**REGULAR CALENDAR – PART II (CONT'D.)**

**HB 704-FN-A**, establishing a wildlife damage control program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Finance: This bill, as filed, would have obligated the Fish and Game Department to substantially increase its expenditures to assist farms and orchardists in fencing their fields, yet kept those farmers eligible to receive payment for crop damage caused by game. The policy committee amendment reversed the effect of the bill by reducing the amount of funding for fences, eliminating the appeals board, and repealing all of the game damage statutes. The amended bill was presented to the House as a compromise, but before the Finance Committee it became clear that this was not a compromise. Finance therefore first decided to recommend ITL, but was persuaded to reconsider.

Three members of Finance who thought that it might be possible to find a more acceptable compromise thus met in work session with representatives of both the Wildlife and Marine Resources and the Environment and Agriculture committees. The session was very informative, but we were unable to reach any agreement between the extremes of no fencing assistance and no damage payment program, and increased fencing assistance and maintenance of the existing damage payment program. However, neither side wanted ITL or Re-refer, either.

Finance members were sympathetic to the policy position that the state should not provide business risk protection for one specific type of free enterprise. However, we also felt that suddenly eliminating that protection for those who have made long-term investments based on its existence would likely create another area of litigation which could be very costly to the state.

The amendment put forth by the Finance Committee therefore reflects what we think is the most fiscally sound approach of eventually eliminating damage payments. It allows growers who have already planted crops which normally produce yields for at least three years from one planting to apply for fencing assistance, and appropriates \$350,000 from Fish and Game funds for that purpose. Fish and Game can decide who gets the assistance and when. It further provides that any grower who has made such application shall continue to be eligible for compensation for damages caused by game animals, but no longer birds, up until the grower gets the fencing assistance or his crop needs to be re-planted, whichever comes first. It also reinstates the appeals board because that is less expensive for everyone than appeals to a superior court.

Although we doubt that this amendment will satisfy those on either side of the argument, we believe that it is a reasonable solution to a very contentious issue Vote 17-0.

**Amendment (1462h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Findings and Purpose. The general court finds that wild animals are a valuable ecological, recreational, and economic resource enjoyed by New Hampshire citizens and by visitors to the state, however, the general court notes that damage to agricultural and horticultural products by game and other wild animals often creates conflicts and economic losses. The general court further finds that as a consequence of continued growth in New Hampshire's human population and development patterns that result in frequent contacts between people and wild animals, as well as increases in some wild animal populations, demands to address conflicts may be expected to increase in the future. Therefore, a wild animal damage control program is hereby formally established to minimize the effects of wild animals on agriculture, human health and safety, property, and natural resources by providing educational and technical advice and recommendations to all citizens while conserving the wildlife resources of the state.

2 Subdivision Heading Changed. The subdivision heading preceding RSA 207:22 is repealed and reenacted to read as follows:

Wild Animal Damage Control

3 Limitations for Persons Posting Property. RSA 207:22-a is repealed and reenacted to read as follows:

207:22-a Limitations for Persons Posting Property. Any person whose land is posted pursuant to RSA 635:4 to prohibit hunting shall forfeit the right to participate in the wild animal damage control program established pursuant to RSA 207:22-c, or to receive payment pursuant to RSA 207:23-a, except that this limitation shall not apply in the following circumstances:

I. To a person who posts only the person's land lying within 100 yards of a dwelling or other farm or outbuildings contiguous to the person's dwelling and used regularly by the person, or the person's family or tenant.

II. To any person whose land is posted for the protection of crops only during the closed season for the type of animals for which the person seeks assistance from the wild animal damage control program.

III. To any person who posts such person's land "Hunting by Permission Only", provided that the names and addresses of the hunters who have received permission to hunt that land in that year shall be furnished when requested by the executive director, and that in the judgment of the executive director, the history of hunter access and hunter density represents a good-faith effort by the landowner to allow hunting.

4 New Sections; Wild Animal Damage Control Program; Advisory Board Established. Amend RSA 207 by inserting after section 22-a the following new sections:

207:22-b Wild Animal Damage Control Advisory Board.

I. There is established a wild animal damage control advisory board which shall consist of the following members:

(a) The executive director of the fish and game department, or designee, who shall act as chairperson.

(b) The commissioner, department of agriculture, markets, and food, or designee.

(c) The director for New Hampshire of the United States Department of Agriculture, Animal and Plant Health Inspection Services, Wildlife Services, or designee.

(d) A fish and game commissioner appointed each fiscal year by the chairperson of the commission.

(e) The executive director of the New Hampshire Farm Bureau Federation.

II. The board shall have responsibility for the duties designated to the board under RSA 207:22-c, II.

III. The chairperson of the board shall submit an annual report by October 1 of each year, beginning in 1999, to the governor, the senate president, the speaker of the house, and the chairpersons of each of the senate and house standing committees having jurisdiction over wildlife and agriculture matters, relative to all receipts and disbursements of the wild animal damage control program established in RSA 207:22-c.

207:22-c Wild Animal Damage Control Program; Administration. There is established a wild animal damage control program which shall be administered by the executive director in cooperation with the United States Department of Agriculture and the New Hampshire department of agriculture, markets, and food. The program shall emphasize a comprehensive approach that integrates wildlife management and wildlife control methods and strategies and shall respond to conflicts between wild animals and human populations by stressing the importance of prevention of damage by initiating one or more of the following courses of action:

I. A general wild animal damage mitigation program:

(a) The general wild animal damage mitigation program shall address conflicts between wild animals and human populations by disseminating educational and technical information, and providing assistance. The program may make available various repellents, institute the loan of direct control devices and materials including electric fences and frightening devices, and make referrals to nuisance wildlife cooperators.

(b) Actions under this paragraph shall be of a temporary nature and may include any other nuisance control methods available, as determined by the executive director, or designee.

II. A cooperative fencing program:

(a) Commercial growers, whose crop normally produces significant yield for at least 3 years from the time of planting, may participate in a cost-share-fencing program on a 75 percent state to 25 percent commercial grower cost share basis. Under this program, the executive director may provide payment from funds designated for this program in the fish and game fund to an eligible commercial grower for the purchase of fencing materials and their installation, provided the commercial grower's participation and eligibility has been approved by the wild animal damage control advisory board.

(b) Commercial growers desiring to participate in the 75/25 cost share program shall submit written applications to the executive director in such manner as prescribed by the executive

director on or before January 1, 2000. Separate applications shall be required for non-contiguous areas. Each application shall include a statement of the nature of the crop to be fenced and the date its planting was completed.

(c) Maintenance costs of installed fences shall be the responsibility of the applicant.

(d) The wild animal damage control advisory board shall determine on an annual basis no later than June 30 of each year the recipients of the fencing moneys for the ensuing year. The board will make its determinations based on urgency of need for damage relief, the remaining useful life of the planting, and any other factors necessary to ensure a fair and equitable allocation of funds. The decisions of the board shall be final.

(e) The failure of a commercial grower to properly install and maintain fencing purchased under this paragraph shall make the commercial grower ineligible to participate in this program until such time as approved by a majority of the wild animal damage control advisory board.

(f) The executive director shall adopt rules pursuant to RSA 541-A to implement and execute the cooperative fencing program, which may include but not be limited to eligibility criteria, fencing specifications, funding levels, and inspection procedures.

(g) The provisions and penalties of RSA 641 concerning false statements shall apply to all reporting and documentation required pursuant to this paragraph.

(h) For purposes of this paragraph, a "commercial grower" means any person who grows an agricultural or horticultural crop from which the person has derived, or reasonably expects to derive an annual gross income from the sale of crops normally produced of at least \$2500.

### III. A depredation permit program:

(a) The executive director shall adopt rules, pursuant to RSA 541-A, regulating the issuance of depredation permits to kill animals causing damage to commercial crops. Such rules shall address the method and manner of taking animals, the disposition of animals taken under such permits, as well as the qualifications necessary to participate in the program. Such qualifications shall include, but not be limited to, the provision of information concerning the history of damage, the record of preventative methods used in the past, and the public hunting access history.

(b) The depredation permit program shall include the issuance of 2 pre-damage deer kill permits, each with 6 deer tags, to commercial growers as defined in RSA 207:22-c, II(h) upon request to the director. Issuance of pre-damage deer kill permits will facilitate protection of qualifying crops at the onset of deer visitation to said crops. Any deer taken under this provision shall be subject to investigation by the local conservation officer to determine whether or not the potential existed at the time of taking for damage to have occurred. Any additional depredation permits shall be issued following the procedures in this paragraph.

5 Damage by Game. RSA 207:23 is repealed and reenacted to read as follows:

#### 207:23 Game Damage.

I. Commercial growers who have made application for inclusion in the fencing program under RSA 207:22-c, II may receive payment for damages to crops caused by game after the time that application is made and before the funds are made available for fencing and the fencing is installed, provided that:

(a) The crop for which application has been made was planted no later than June 1, 1999;

(b) The crop for which application has been made produces a significant yield for at least 3 years after planting;

(c) The crop, if an orchard, was planted no more than 20 years before the date of the damage, or if any other crop, was planted no more than 3 years before the date of the damage; and

(d) Installation of the fencing has not been unjustifiably delayed after receipt of funds from the fencing program.

II. A person who suffers loss or damage to crops, fruit trees, or nursery stock shall, if the person claims damages therefor, within 10 days from the discovery thereof, notify the executive director in writing of such damage. The executive director or agent shall investigate such claim within 30 days from the receipt of notice of such damage, determine whether such damage was caused by game, and appraise the amount thereof to be paid. The appraisal shall be made at the time of harvest. The executive director shall present a certificate of the amount of the appraisal to the governor, who is authorized to draw a warrant upon the fish and game fund in payment therefor.

6 Reference to Game Birds Removed. Amend RSA 207:23-b to read as follows:

**207:23-b Preventative Measures to Alleviate Damage.** Upon receiving a complaint of damages caused by ~~[game birds;]~~ game animals~~[-]~~ or mountain lions, the executive director may expend funds for materials and other preventive measures to alleviate the damage.

7 Depredation Permit Required. Amend RSA 207:26 to read as follows:

**207:26 Killing by Land Owner of Bird or Animal Inflicting Damage.** A person may pursue, wound or kill, on land owned or occupied by ~~[him]~~ **such person**, any ~~[wild]~~ **unprotected** bird or wild animal which ~~[he]~~ **the person** finds in the act of doing actual and substantial damage to poultry, **crops, domestic animals**, or ~~[his]~~ **the person's** property, and ~~[he]~~ may authorize, **for a wild animal, a family member [of his family or a person employed by him], employee, or other person requested** to do so under the provision of ~~[written authority or direction from]~~ **a depredation permit issued by the executive director pursuant to RSA 207:22-c, III.**

8 Discretion of Executive Director. Amend RSA 207:29 to read as follows:

**207:29 Disposition of Game, etc., Killed.** Any game or fur-bearing animal killed or wounded as provided in this subdivision shall, in the discretion of the executive director, be returned to the person who killed the same ~~[or]~~, be given to some charitable institution, **or otherwise disposed of.**

9 Appropriation; Funding.

I. There is hereby appropriated the sum of \$350,000 for the fiscal year ending June 30, 2000 from the fish and game fund to the fish and game department for the purpose of funding the wild animal damage control program, established in RSA 207:22-c.

II. The executive director may accept and expend federal funds and funds from any other source that may be designated for wild animal damage control programs.

III. The sums appropriated by this section shall not be used for any other purpose and shall be non-lapsing.

10 Applicability. The provisions of this act shall apply to claims applied for after the effective date of this act. Any claim applied for under the provisions of RSA 207:22-25 prior to the effective date of this act shall continue to be governed by the fish and game department laws and procedures in effect prior to the effective date of this act.

11 Repeal. RSA 207:22, relative to damage by game birds, is repealed.

12 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a wild animal damage control program and the wild animal damage control advisory board. The bill also repealed provisions relating to damage by game birds.

Rep. Abbott spoke against.

Reps. Vivian Clark, Patten and Alger spoke in favor.

Rep. Mock spoke against and yielded to questions.

Rep. MacGillivray spoke in favor and yielded to questions.

Rep. Mock requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

### YEAS 106 NAYS 184

#### YEAS 106

#### BELKNAP

Bartlett, Gordon	Boyce, Robert	Johnson, James	Lawton, Robert
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#### CARROLL

Babson, David, Jr	Howard, Godfrey	Philbrick, Donald	Sullivan, P Judith
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#### CHESHIRE

Burnham, Daniel	DePecol, Benjamin	Lynch, Margaret	Manning, Joseph
Pratt, Irene	Robertson, Timothy	Rose, William	

#### COOS

Hawkinson, Marie	Pratt, Leighton
------------------	-----------------

**GRAFTON**

Akins, Ralph  
Copenhaver, Marion

Alger, John  
Hall, David

Almy, Susan

Cobb, John

**HILLSBOROUGH**

Ahern, Richard  
Belvin, William  
Desrosiers, William  
Ford, Nancy  
Hansen, Herbert  
LaRose, Richard  
Martin, Mary  
Thulander, O Alan

Andrews, Frederick  
Bergeron, Lucien  
Drabinowicz, A  
Gagnon, Eugene  
Johnson, Lionel  
Lynde, Harold  
Melcher, Harold  
Turgeon, Roland

Arthur, Rose  
Chabot, Robert  
Dwyer, Paul, Sr  
Goulet, Maurice  
Keye, Harvey  
MacGillivray, Jeffrey  
Rowe, Robert  
Vaillancourt, Steve

Baroody, Benjamin  
Cote, David  
Fields, Dennis  
Haettenschwiller, Alphonse  
Kurk, Neal  
Martel, Andre  
Sarette, John

**MERRIMACK**

Anderson, Eric  
French, Barbara  
Jacobson, Alf  
Potter, Frances  
Yeaton, Charles

Bouchard, Candace  
Gile, Mary  
Kennedy, Richard  
Reardon, Tara

Crosby, Toni  
Hager, Elizabeth  
Lockwood, Priscilla  
Wallner, Mary Jane

Fortnam, Janet  
Hess, David  
Moore, Carol  
Whittemore, James

**ROCKINGHAM**

Clark, Vivian  
Flanagan, Natalie  
Kane, Cecelia  
Pitts, Jacqueline  
Stritch, C Donald

Cooney, Richard  
Grant, Kenneth  
Langley, Jane  
Ruffner, Walter  
Tufts, J Arthur

Cox, Russell  
Henderson, Warren  
Mikowski, Walter  
Sapareto, Frank  
Vaughn, Charles

Dolan, Richard  
Hutchinson, Rebecca  
O'Keefe, Patricia  
Splaine, James  
Weyler, Kenneth

**STRAFFORD**

Callaghan, Frank  
Grassie, Anne  
Torr, Franklin

Cossette, Larry  
Heon, Richard  
Vachon, Dennis

Estabrook, Iris  
Kaen, Naida  
Vincent, Francis

Gilmore, Gary  
Smith, Marjorie  
Wall, Janet

**SULLIVAN**

Allison, David

Cloutier, John

Leone, Richard

**NAYS 184****BELKNAP**

Boriso, Thomas  
Rice, Thomas  
Wendelboe, Francine

Lawton, David  
Rosen, Ralph

Millham, Alida  
Thomas, John

Pilliod, James  
Turner, Robert

**CARROLL**

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard  
Mock, Henry

Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Batchelder, Robert  
McGuirk, Paul  
Richardson, Barbara  
Smith, Edwin

Blaisdell, Michael  
Meador, David  
Riley, William  
Zerba, Roger

Doucette, Richard  
Mitchell, McKim  
Roberts, William

Hunt, John  
Pratt, John  
Royce, H Charles

**COOS**

Horton, Lynn  
Rodrigue, Robert

Landers, Dana  
Tholl, John, Jr

Mears, Edgar  
Woodward, David

Merrill, Gerald



**GRAFTON**

Densmore, Jessica  
Ham, Bonnie  
Mirski, Paul  
Ward, Brien

Dudley, Terri  
Hinman, Harry  
Nordgren, Sharon  
Weber, Phil

Eaton, Stephanie  
LaMott, Paul  
Phinney, William

Guest, Robert  
Marshall, Gene  
Solow, Martha

**HILLSBOROUGH**

Arnold, Thomas, Jr  
Bruno, Pierre  
Clemons, Jane  
Daniels, Gary  
Foster, Linda  
Goley, Jeffrey  
Jean, Claudette  
LaPorte, George  
Lozeau, Donnalee  
Mendenhall, Leslie  
Moriarty, Mary  
Ouellette, Dean  
Reidy, Frank  
White, Donald

Batula, Peter  
Buckley, Raymond  
Cote, Peter  
Dokmo, Cynthia  
Franks, Suzan  
Gorman, Mary  
Jean, Loren  
Lasky, Bette  
McCarty, Winston  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Sargent, Maxwell  
White, John

Beaupre, Roland  
Christiansen, Lars  
Craig, James  
Fenton, James  
Garrish, Linda  
Herman, Keith  
Konys, Christine  
Leonard, Peter  
McDonald, James, Sr  
Messier, Irene  
Murphy, Robert  
Peterson, Andrew  
Simon, Anthony  
Withee, Dennis

Brundige, Robert  
Clegg, Robert, Jr  
Dalianis, Griffin  
Fletcher, Richard  
Ginsburg, Ruth  
Holley, Sylvia  
L'Heureux, Robert  
Lessard, Rudy  
McGough, Tim  
Milligan, Robert  
O'Hearn, Jane  
Reeves, Sandra  
Wall, Nancy

**MERRIMACK**

Brewster, Richard  
Leber, William  
Poulin, Dave  
St Cyr, Gerard

Daneault, Gabriel  
Marple, Richard  
Rodd, Beth  
Virtue, Carolyn

Davis, Francis  
Marshall, Kenneth  
Seldin, Gloria  
Wallin, Jean

Fraser, Marilyn  
Maxfield, Roy  
Soltani, Tony

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew, Jr  
Flanders, John, Sr  
Griffin, Mary  
Kelley, Jane  
Major, Norman  
Nowe, Mary Lou  
Pantelakos, Laura  
Raynowska, Bernard  
Weare, Everett

Beaulieu, Jon  
Clark, Martha  
Francoeur, Sheila  
Johnson, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Shelton, Richard  
Welch, David

Belanger, Ronald  
DiFruscia, Anthony  
Gibbons, Paul  
Katsakiores, George  
Langone, John  
Morse, Charles  
Noyes, Richard  
Putnam, Ed, II  
Stickney, Nancy  
Whittier, John

Blanchard, MaryAnn  
Downing, Michael  
Gleason, John  
Katsakiores, Phyllis  
Letourneau, Robert  
Norelli, Terie  
O'Neil, Michael  
Quandt, Marshall  
Varrell, Thomas  
Zolla, William

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
McKinley, Robert  
Spang, Judith  
Woods, Phyllis

Bickford, David  
Keans, Sandra  
Rogers, Rose Marie  
Spear, Barbara

Brennan, William  
Knowles, William  
Rollo, Michael  
Taylor, Kathleen

Brown, George  
Lundborn, Raymond  
Snyder, Clair  
Twardus, Joseph

**SULLIVAN**

Burling, Peter  
Tuthill, John

Flint, Gordon, Sr

Phinizy, James

Robb-Theroux, Amy

and the amendment failed.

Rep. Mock offered a floor amendment (1731h).

**Floor Amendment (1731h)**

Amend the bill by replacing section 1 with the following:

1 Legislative Findings and Purpose. The general court finds that wild animals are a valuable ecological, recreational, and economic resource enjoyed by New Hampshire citizens and by visi-

tors to the state, however, the general court notes that damage to agricultural and horticultural products by game and other wild animals often creates conflicts and economic losses. The general court further finds that as a consequence of continued growth in New Hampshire's human population and development patterns that result in frequent contacts between people and wildlife, as well as increases in some wildlife populations, demands to address conflicts may be expected to increase in the future. Therefore, a wildlife damage control program is hereby formally established to minimize the effects of wild animals on agriculture, human health and safety, property, and natural resources by providing educational and technical advice and recommendations to all citizens while conserving the wildlife resources of the state. In addition to the appropriation contained in this act, it is the intent of the general court and the fish and game department to secure the necessary appropriations in future bienniums to fund the wildlife damage control program.

Amend the bill by replacing section 9 with the following:

**9 Appropriation; Funding.**

I. There is hereby appropriated the sum of \$350,000 for the biennium ending June 30, 2001 from the fish and game fund to the fish and game department for the purpose of funding the wildlife damage control program, established in RSA 207:22-c.

II. The executive director may accept and expend federal funds and funds from any other source that may be designated for wildlife damage control programs.

III. The sums appropriated by this section shall not be used for any other purpose and shall be non-lapsing.

Rep. Akins spoke against.

The floor amendment (1731h) was adopted.

The question now being the adoption of the report.

Rep. Melcher spoke against.

Rep. Mock spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

**YEAS 183 NAYS 103**

**YEAS 183**

**BELKNAP**

Boriso, Thomas  
Millham, Alida  
Turner, Robert

Boyce, Robert  
Rice, Thomas  
Wendelboe, Francine

Lawton, David  
Rosen, Ralph

Lawton, Robert  
Thomas, John

**CARROLL**

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard  
Mock, Henry

Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Batchelder, Robert  
Hunt, John  
Mitchell, McKim  
Rose, William  
Zerba, Roger

Blaisdell, Michael  
Manning, Joseph  
Richardson, Barbara  
Royce, H Charles

DePecol, Benjamin  
McGuirk, Paul  
Roberts, William  
Russell, Ronald

Doucette, Richard  
Meader, David  
Robertson, Timothy  
Smith, Edwin

**COOS**

Horton, Lynn  
Rodrigue, Robert

Landers, Dana  
Tholl, John, Jr

Mears, Edgar  
Woodward, David

Merrill, Gerald

**GRAFTON**

Densmore, Jessica  
Marshall, Gene

Dudley, Terri  
Nordgren, Sharon

Eaton, Stephanie  
Phinney, William

Hinman, Harry  
Ward, Brien

**HILLSBOROUGH**

Baroody, Benjamin  
Bruno, Pierre

Batula, Peter  
Buckley, Raymond

Beaupre, Roland  
Chabot, Robert

Brundige, Robert  
Christiansen, Lars

Clegg, Robert, Jr  
Fields, Dennis  
Goley, Jeffrey  
Holley, Sylvia  
Kurk, Neal  
Lasky, Bette  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Reeves, Sandra  
Simon, Anthony  
Withee, Dennis

Dalianis, Griffin  
Fletcher, Richard  
Gorman, Mary  
Jean, Claudette  
L'Heureux, Robert  
Lessard, Rudy  
McDonald, James, Sr  
Messier, Irene  
O'Hearn, Jane  
Rowe, Robert  
Thulander, O Alan

Daniels, Gary  
Foster, Linda  
Haettenschwiller, Alphonse  
Jean, Loren  
LaPorte, George  
Lozeau, Donnalee  
McGough, Tim  
Milligan, Robert  
Ouellette, Dean  
Sarette, John  
Turgeon, Roland

Drabinowicz, A  
Gagnon, Eugene  
Herman, Keith  
Konys, Christine  
LaRose, Richard  
Martin, Mary  
Mendenhall, Leslie  
Mosher, William  
Peterson, Andrew  
Sargent, Maxwell  
Wall, Nancy

## MERRIMACK

Brewster, Richard  
Hess, David  
Marple, Richard  
Rodd, Beth

Davis, Francis  
Jacobson, Alf  
Potter, Frances  
St Cyr, Gerard

Fraser, Marilyn  
Kennedy, Richard  
Poulin, Dave  
Virtue, Carolyn

Hager, Elizabeth  
Leber, William  
Reardon, Tara  
Whittemore, James

## ROCKINGHAM

Abbott, Dennis  
Christie, Andrew, Jr  
Downing, Michael  
Gibbons, Paul  
Katsakiores, George  
Langone, John  
Morse, Charles  
O'Keefe, Patricia  
Ruffner, Walter  
Varrell, Thomas  
Weyler, Kenneth

Beaulieu, Jon  
Clark, Martha  
Flanagan, Natalie  
Gleason, John  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Mary Lou  
O'Neil, Michael  
Shelton, Richard  
Vaughn, Charles  
Whittier, John

Belanger, Ronald  
Cooney, Richard  
Flanders, John, Sr  
Griffin, Mary  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Blanchard, MaryAnn  
DiFruscia, Anthony  
Francoeur, Sheila  
Henderson, Warren  
Langley, Jane  
Mikowski, Walter  
Noyes, Richard  
Raynowska, Bernard  
Tufts, J Arthur  
Welch, David

## STRAFFORD

Berube, Roger  
Cossette, Larry  
Knowles, William  
Spang, Judith  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
McKinley, Robert  
Spear, Barbara  
Woods, Phyllis

Brown, George  
Grassie, Anne  
Rogers, Rose Marie  
Twardus, Joseph

Callaghan, Frank  
Keans, Sandra  
Rollo, Michael  
Vincent, Francis

## SULLIVAN

Burling, Peter

Robb-Theroux, Amy

Tuthill, John

## NAYS 103

## BELKNAP

Bartlett, Gordon

Johnson, James

Pilliod, James

## CARROLL

Babson, David, Jr

Howard, Godfrey

Philbrick, Donald

Sullivan, P Judith

## CHESHIRE

Burnham, Daniel  
Riley, William

Lynch, Margaret

Pratt, Irene

Pratt, John

## COOS

Hawkinson, Marie

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Copenhaver, Marion  
Minski, Paul

Alger, John  
Guest, Robert  
Solow, Martha

Almy, Susan  
Hall, David  
Weber, Phil

Cobb, John  
Ham, Bonnie

**HILLSBOROUGH**

Ahern, Richard  
Belvin, William  
Craig, James  
Ford, Nancy  
Goulet, Maurice  
Leonard, Peter  
Melcher, Harold  
Vaillancourt, Steve

Andrews, Frederick  
Bergeron, Lucien  
Dokmo, Cynthia  
Franks, Suzan  
Hansen, Herbert  
Lynde, Harold  
Moriarty, Mary  
White, Donald

Arnold, Thomas, Jr  
Cote, David  
Dwyer, Paul, Sr  
Garrish, Linda  
Johnson, Lionel  
MacGillivray, Jeffrey  
Pappas, Marc  
White, John

Arthur, Rose  
Cote, Peter  
Fenton, James  
Ginsburg, Ruth  
Keye, Harvey  
Martel, Andre  
Reidy, Frank

**MERRIMACK**

Anderson, Eric  
Fortnam, Janet  
Marshall, Kenneth  
Soltani, Tony

Bouchard, Candace  
French, Barbara  
Maxfield, Roy  
Wallin, Jean

Crosby, Toni  
Gile, Mary  
Moore, Carol  
Wallner, Mary Jane

Daneault, Gabriel  
Lockwood, Priscilla  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Clark, Vivian  
Hutchinson, Rebecca  
Major, Norman  
Putnam, Ed, II  
Stickney, Nancy

Cox, Russell  
Johnson, Robert  
Norelli, Terie  
Quandt, Marshall

Dolan, Richard  
Kane, Cecelia  
Pitts, Jacqueline  
Sapareto, Frank

Grant, Kenneth  
Kelley, Jane  
Priestley, Anne  
Splaine, James

**STRAFFORD**

Estabrook, Iris  
Smith, Marjorie  
Vachon, Dennis

Gilmore, Gary  
Snyder, Clair

Heon, Richard  
Taylor, Kathleen

Kaen, Naida  
Torr, Franklin

**SULLIVAN**

Allison, David  
Phinizy, James

Cloutier, John

Flint, Gordon, Sr

Leone, Richard

and the report was adopted.  
Ordered to third reading.

**REMOVED FROM THE TABLE**

Rep. Hager moved that **HB 2**, relative to state fees, funds, revenues and expenditures, be removed from the table.

On a division vote, 184 members having voted in the affirmative and 95 in the negative, the motion was adopted.

Rep. Bruno did not vote and wished to be recorded against.

Rep. Burling withdrew floor amendment (1734h) offered on June 22, 1999.

Rep. Burling offered a floor amendment (1763h).

**Floor Amendment (1763h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Intent. The purpose of this bill is to make those changes to the general laws necessary to effectuate the intent of the operating budget, but which are prohibited from being included in the operating budget by Part II, Article 18-a of the New Hampshire Constitution.

2 Pharmaceutical Purchasing Program; Department of Health and Human Services. Subject to the approval of the governor and executive council, the commissioner of the department of health and human services may implement a pharmaceutical purchasing initiative by contracting with an

established entity for the purchase of maintenance drugs at the lowest pricing available for recipients under federally-funded programs, including the medicaid program. Any such contracts for the purposes of this section shall have the authority to establish a pharmaceutical network and a capacity for processing the prescription volume anticipated for medicaid and other recipients.

3 Additional Revenues; Department of Health and Human Services. Notwithstanding any provision of the law to the contrary, the legislative fiscal committee and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues, in excess of or in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following subcomponents: division of family assistance's food stamp administration, division for children, youth, and families' settlement program, division of family assistance's New Heights maintenance services, division for children, youth, and families' NH Bridges maintenance services, the office of program support, division of child support's New England Child Support Enforcement System maintenance services, and any other such subcomponent that requires deficit reduction or for which revenue has been specifically obtained.

4 Transfer of Funds by Division of Children, Youth, and Families, Department of Health and Human Services. Notwithstanding any other provision of law, the division for children, youth, and families, department of health and human services, may, with approval of the fiscal committee and the governor and council, transfer in each of the fiscal years 2000 and 2001 up to \$200,000 in funds which would otherwise lapse to the salary adjustment fund from class 10, personal services permanent in components 05, 01, 03, 02, 01 and 05, 01, 03, 03, 01 to class 91 training in component 05, 01, 03, 06, 00, to provide training for social workers and juvenile service officers.

5 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2001, provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

6 Transfer of Authority; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services may make transfers among any and all accounts and program appropriation units of the department of health and human services, with the exception of benefit appropriations which shall be limited to transfers between benefit appropriation accounts, as the commissioner shall deem necessary and appropriate to effect a reorganization of the department, address present or projected deficits, or respond to changes in federal laws, regulations, or programs and otherwise as necessary for the efficient management of the department. The commissioner may transfer not more than \$2,277,000 in general funds each year for the purpose of increasing salaries for direct care providers for persons with developmental and acquired disabilities. Applicable matching federal funds shall be accepted to the extent that they become available in accordance with section 3 of this act. The commissioner shall not execute a transfer without obtaining the approval of the legislative fiscal committee and the governor and council.

7 Department of Administrative Services; State Facility Energy Cost Reduction; Definitions; Energy Cost Saving Measure; Debt Service Extended. Amend RSA 21-I:19-b, 1 to read as follows:

1. "Energy cost saving measure" means any construction, improvement, repair, alteration, or betterment of any building or facility or any equipment, fixture, or furnishing to be added to or used in any building or facility that will be a cost effective energy-related project. This shall include any project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility and will achieve energy cost savings sufficient to recover any project costs or incurred debt service within [7] 10 years from the date of project implementation.

8 Department of Administrative Services; State Facility Energy Cost Reduction; Energy Performance Contracting; Contract Period Extended. Amend RSA 21-I:19-d, 11(d)-(f) to read as follows:

(d) The term of any energy performance contract entered into pursuant to this section shall not exceed [7] 10 years.

(e) Any contract entered into shall contain the following annual allocation dependency clause: "The continuation of this contract is contingent upon the appropriation of funds to fulfill the requirements of the contract by the applicable funding authority. If that authority fails to appropriate sufficient funds to provide for the continuation of the contract, the contract shall terminate on the last day of the fiscal year for which allocations were made."

(f) Any energy performance contract should require the contractor to include all energy efficiency improvement in selected buildings that are calculated to recover all costs within [7] 10 years at existing energy prices. The contract shall require that the public utility or energy services provider be repaid solely from energy cost savings and only to the extent of energy cost savings. Repayments shall be interest-free.

9 Appropriation; Office of Energy and Community Services. The sum of \$5,147 for the fiscal year ending June 30, 1999, is hereby appropriated to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs as observed and disclosed in a financial audit of the office. This appropriation shall be in addition to any other sums appropriated to the governor's office of energy and community services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Budget Surplus; Transfer to Education Trust Fund. Notwithstanding RSA 9:13-e, any general fund undesignated surplus for the fiscal year ending June 30, 1999 up to \$20,000,000 shall be transferred to the education trust fund established pursuant to RSA 198:39. Any general fund undesignated surplus in excess of \$20,000,000 shall be transferred according to RSA 9:13-e.

11 Addition to Personnel Group. Amend RSA 94:1-a by inserting in group N:

Warden, Northern New Hampshire Correctional Facility, department of corrections

12 Applicability of Salary Classifications. The warden of the Northern New Hampshire Correctional Facility (formerly the Berlin prison facility) on the effective date of this act shall become the unclassified warden at step 4 in group N.

13 Pease Development Authority Bonds; Comprehensive Development Plan Required; Bond Guarantee Amount Reduced. Amend RSA 12-G:27-b, I to read as follows:

I. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air Force Base prepared and submitted by the Pease development authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed [~~\$60,000,000~~] **\$35,000,000**, plus interest. The comprehensive development plan shall include the designation and delineation of a research district within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw [his] a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

---

State Treasurer

14 Repeal. RSA 12-G:27-b, II, relative to state guarantee of bank financing for Pease development plan, is repealed.

15 Rehiring; Laid-Off State Employees. The provisions of 1990, 261:1, as amended by 1991, 4:10 and 355:103, relative to rehiring of laid-off state employees, shall apply to any person laid-off between July 1, 1999, and June 30, 2001, as a result of any state law, regardless of the funding source for the person's position. The head of each department or agency shall submit the names and classification of individuals laid-off from July 1, 1999, to June 30, 2001, to the director of the division of personnel within 10 days of the layoff.

16 Labor; Public Employee Labor Relations; Bargaining by State Employees; Joint Committee on Employee Relations; Order of Members Changed; Member Added. RSA 273-A:9, V(a) is repealed and reenacted to read as follows:

(a) The joint committee on employee relations shall include the following members:

- (1) Speaker of the house of representatives.
- (2) President of the senate.
- (3) Majority leader of the senate.
- (4) Majority leader of the house of representatives.

- (5) Minority leader of the senate.
- (6) Minority leader of the house of representatives.
- (7) Senate finance committee chairperson.
- (8) House of representatives finance committee chairperson.
- (9) Senate capital budget committee chairperson.
- (10) House of representatives public works and highways committee chairperson.
- (11) Senate ways and means committee chairperson.
- (12) House of representatives finance committee vice chairperson.
- (13) House of representatives labor, industrial, and rehabilitative services committee chairperson.

(14) House of representatives labor, industrial, and rehabilitative services committee ranking minority member.

(15) Senate insurance committee chairperson.

(16) Senate insurance committee vice chairperson.

17 New Subparagraphs; Labor; Public Employee Labor Relations; Bargaining by State Employees; Joint Committee on Employee Relations; Alternates. Amend RSA 273-A:9, V by inserting after subparagraph (d) the following new subparagraphs:

(e) The president of the senate may appoint one or more alternates to serve on the joint committee on employee relations in the event that a senate member is unable to attend.

(f) The speaker of the house of representatives may appoint one or more alternates to serve on the joint committee on employee relations in the event that a house member is unable to attend.

18 Feasibility Study; Mutual Use of Coast Guard Facilities. The department of safety, division of safety services, the New Hampshire state port authority, and the fish and game department shall jointly prepare a study relative to the feasibility of an agreement for the mutual use of United States Coast Guard facilities. The division, the authority, and the department shall report their joint findings and any recommendations for executive or legislative action to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

19 Navigation Project Obligations; Report by Port Authority. The New Hampshire state port authority shall prepare a report relative to justifications for the United States Army Corps of Engineers to release the state from its obligation to dredge the Hampton-Seabrook Harbor under the 1964 agreement relative to the Navigation Project for the Improvement of Hampton Harbor, NH. The authority shall report its findings and any recommendations for proposed executive or legislative action to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

20 Committee to Study the Protection of Waterfront Properties from Erosion.

I. Committee Established. There is established a committee to study the protection of waterfront properties from erosion.

II. Membership and Compensation.

(a) The members of the committee shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(2) Three members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study the potential establishment of joint state and local projects to protect from erosion selected waterfront properties along the seacoast and various rivers throughout the state. The committee shall examine options for sharing the cost of the design, engineering, and construction of such projects.

IV. Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

21 Route 93 Borrow-a-Lane Project; Appropriation. The sum of \$30,000 is appropriated for the fiscal year ending June 30, 2000, and the sum of \$30,000 is appropriated for the fiscal year ending June 30, 2001, to the department of transportation for the operation and maintenance of temporary southbound lanes on Route 93 in Concord and Bow which can be utilized on an as needed basis. This appropriation shall be a charge against the highway fund.

22 Interstate Cooperation; Reference Deleted. Amend RSA 421-B:31-a to read as follows:

421-B:31-a Interstate Cooperation. The secretary of state and [his] *the secretary of state's* staff shall maintain close relations with the securities and corporate administrators of other states and shall actively participate in the activities and affairs of the North American Security Administrators Association and other organizations so far as it will, in the secretary of state's judgment, enhance the purposes of the securities and corporate laws [and shall be exempt from the provisions of RSA 9:25]. The actual and necessary travel and related expenses incurred in attending meetings of said association, their committees, subcommittees, hearings, and other official activities, as well as the general expenses of participation in such associations, shall be a charge on available funds and the appropriation of the office of the secretary of state.

23 Repeal. RSA 9:25 and 9:26, relative to expenses for out-of-state trips by state officials or employees, are repealed.

24 Deputy Director of Motor Vehicles. Amend RSA 21-P by inserting after section 11 the following new section:

21-P:11-a Deputy Director of Motor Vehicles.

I. The commissioner of safety shall nominate a deputy director of motor vehicles for appointment by the governor, with the consent of the council. The deputy director of motor vehicles shall serve a term of 4 years, and may be reappointed. The deputy director of motor vehicles shall be qualified to hold that position by reason of education and experience.

II. The deputy director of motor vehicles shall perform such duties as are assigned by the director of motor vehicles. The deputy director of motor vehicles shall assume the duties of the director of motor vehicles in the event that the director of motor vehicles is unable for any reason to perform such duties.

III. The salary of the deputy director of motor vehicles shall be as specified in RSA 94:1-a.

25 Change of Title of Position. Amend 94:1-a, I, group N by deleting the director of enforcement, department of safety and inserting in place thereof the deputy director, division of motor vehicles, department of safety.

26 Classified Salaries; October 1, 1999. RSA 99:1-a is repealed and reenacted to read as follows: 99:1-a Salaries Established. The salary ranges for all classified state employees commencing October 1, 1999, shall be established as follows:

#### October 1, 1999

##### SALARY

GRADE	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
01	14,410.50	14,820.00	15,268.50	15,717.00	16,204.50
02	14,820.00	15,268.50	15,717.00	16,204.50	16,711.50
03	15,268.50	15,717.00	16,204.50	16,711.50	17,199.00
04	15,717.00	16,204.50	16,711.50	17,199.00	17,686.50
05	16,204.50	16,711.50	17,199.00	17,686.50	18,213.00
06	16,711.50	17,199.00	17,686.50	18,213.00	18,778.50
07	17,199.00	17,842.50	18,583.50	19,344.00	20,124.00
08	17,842.50	18,583.50	19,344.00	20,124.00	20,904.00
09	18,583.50	19,344.00	20,124.00	20,904.00	21,723.00
10	19,344.00	20,124.00	20,904.00	21,723.00	22,639.50
11	20,124.00	20,904.00	21,723.00	22,639.50	23,536.50
12	20,904.00	21,723.00	22,369.50	23,536.50	24,472.50
13	21,723.00	22,639.50	23,536.50	24,472.50	25,467.00
14	22,639.50	23,536.50	24,472.50	25,467.00	26,520.00
15	23,536.50	24,550.50	25,584.00	26,656.50	27,448.50
16	24,550.50	25,584.00	26,656.50	27,748.50	28,918.50
17	25,584.00	26,656.50	27,748.50	28,918.50	30,205.50
18	26,656.50	27,748.50	28,918.50	30,205.50	31,473.00
19	27,748.50	28,918.50	30,205.50	31,473.00	32,838.00
20	28,918.50	30,205.50	31,473.00	32,838.00	34,222.50



**October 1, 1999****SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
21	30,205.50	31,473.00	32,838.00	34,222.50	35,704.50
22	31,473.00	32,838.00	34,222.50	35,704.50	37,245.00
23	32,838.00	34,300.50	35,860.50	37,479.00	39,195.00
24	34,300.50	35,860.50	37,479.00	39,195.00	40,930.50
25	35,860.50	37,479.00	39,195.00	40,930.50	42,763.50
26	37,479.00	39,195.00	40,930.50	42,763.50	44,713.50
27	39,195.00	40,930.50	42,736.50	44,713.50	46,722.00
28	40,930.50	42,763.50	44,713.50	46,722.00	48,828.00
29	42,763.50	44,713.50	46,722.00	48,828.00	51,012.00
30	44,713.50	46,722.00	48,828.00	51,012.00	53,332.50
31	46,722.00	48,945.00	51,304.50	53,644.50	56,238.00
32	48,945.00	51,304.50	53,644.50	56,238.00	58,929.00
33	51,304.50	53,644.50	56,238.00	58,929.00	61,698.00
34	53,644.50	56,238.00	58,929.00	61,698.00	64,662.00

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

27 Classified Salaries; October 1, 2000. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified employees commencing October 1, 2000 shall be established as follows:

**October 1, 2000****SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
01	14,839.50	15,268.50	15,717.00	16,185.00	16,692.00
02	15,268.50	15,717.00	16,185.00	16,692.00	17,218.50
03	15,717.00	16,185.00	16,692.00	17,218.50	17,706.00
04	16,185.00	16,692.00	17,218.50	17,706.00	18,213.00
05	16,692.00	17,218.50	17,706.00	18,213.00	18,759.00
06	17,218.50	17,706.00	18,213.00	18,759.00	19,344.00
07	17,706.00	18,369.00	19,149.00	19,929.00	20,728.50
08	18,369.00	19,149.00	19,929.00	20,728.50	21,528.00
09	19,149.00	19,929.00	20,728.50	21,528.00	22,366.50
10	19,929.00	20,728.50	21,528.00	22,366.50	23,322.00
11	20,728.50	21,528.00	22,366.50	23,322.00	24,238.50
12	21,528.00	22,366.50	23,322.00	24,238.50	25,213.50
13	22,366.50	23,322.00	24,238.50	25,213.50	26,227.50
14	23,322.00	24,238.50	25,213.50	26,227.50	27,319.50
15	24,238.50	25,213.50	26,344.50	27,456.00	28,587.00
16	25,213.50	26,344.50	27,456.00	28,587.00	29,776.50
17	26,344.50	27,456.00	28,587.00	29,776.50	31,102.50
18	27,456.00	28,587.00	29,776.50	31,102.50	32,409.00
19	28,587.00	29,776.50	31,102.50	32,409.00	33,832.50
20	29,776.50	31,102.50	32,409.00	33,832.50	35,256.00
21	31,102.50	32,409.00	33,832.50	35,256.00	36,777.00
22	32,409.00	33,832.50	35,256.00	36,777.00	38,356.50
23	33,832.50	35,334.00	36,933.00	38,610.00	40,365.00
24	35,334.00	36,933.00	38,610.00	40,365.00	42,159.00
25	36,933.00	38,610.00	40,365.00	42,159.00	44,050.50
26	38,610.00	40,365.00	42,159.00	44,050.50	46,059.00
27	40,365.00	42,159.00	44,050.50	46,059.00	48,126.00

**October 1, 2000****SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
28	42,159.00	44,050.50	46,059.00	48,126.00	50,290.50
29	44,050.50	46,059.00	48,126.00	50,290.50	52,533.00
30	46,059.00	48,126.00	50,290.50	52,533.00	54,931.50
31	48,126.00	50,407.50	52,845.00	55,263.00	57,934.50
32	50,407.50	52,845.00	55,263.00	57,934.50	60,703.50
33	52,845.00	55,263.00	57,934.50	60,703.50	63,550.50
34	55,263.00	57,934.50	60,703.50	63,550.50	66,592.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

28 Salaries Established; Law Enforcement Employees; January 1, 2000. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; Law Enforcement Employees. The salary ranges for law enforcement employees commencing January 1, 2000, shall be established as follows:

**January 1, 2000****SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
01	19,355.70	19,920.42	20,511.66	21,129.68	21,774.22
02	19,920.42	20,511.66	21,129.68	21,774.22	22,467.90
03	20,511.66	21,129.68	21,774.22	22,467.90	23,110.36
04	21,129.68	21,774.22	22,467.90	23,110.36	23,779.34
05	21,774.22	22,467.90	23,110.36	23,779.34	24,470.68
06	22,567.90	23,110.36	23,779.34	24,470.68	25,242.10
07	23,110.36	23,959.52	24,959.74	25,989.08	27,042.86
08	23,959.52	24,959.74	25,989.08	27,042.86	28,096.38
09	24,959.74	25,989.08	27,042.86	28,096.38	29,203.46
10	25,989.08	27,042.86	28,096.38	29,203.46	30,410.64
11	27,042.86	28,096.38	29,203.46	30,410.64	31,646.68
12	28,096.38	29,203.46	30,410.64	31,646.68	32,880.38
13	29,203.46	30,410.64	31,646.68	32,880.38	34,216.52
14	30,410.64	31,646.68	32,880.38	34,216.52	35,630.14
15	31,646.68	32,982.56	34,396.44	35,810.32	37,299.60
16	32,982.56	34,396.44	35,810.32	37,299.60	38,869.22
17	34,396.44	35,810.32	37,299.60	38,869.22	40,591.98
18	35,810.32	37,299.60	38,869.22	40,591.98	42,288.22
19	37,299.60	38,869.22	40,591.98	42,288.22	44,137.60
20	38,869.22	40,591.98	42,288.22	44,137.60	45,991.66
21	40,591.98	42,288.22	44,137.60	45,991.66	47,996.78
22	42,288.22	44,137.60	45,991.66	47,996.78	50,053.12
23	44,137.60	46,093.84	48,176.96	50,362.00	52,673.92
24	46,093.84	48,176.96	50,362.00	52,673.92	55,014.70
25	48,176.96	50,362.00	52,673.92	55,014.70	57,457.92
26	50,362.00	52,673.92	55,014.70	57,457.92	60,078.72
27	52,673.92	55,014.70	57,457.92	60,078.72	62,779.86
28	55,014.70	57,457.92	60,078.72	62,779.86	65,631.80
29	57,457.92	60,078.72	62,779.86	65,631.80	68,564.08
30	60,078.72	62,779.86	65,631.80	68,564.08	71,671.86
31	62,779.86	65,785.20	68,948.62	72,109.70	75,582.00
32	65,785.20	68,948.62	72,109.70	75,582.00	79,207.70
33	68,948.62	72,109.70	75,582.00	79,207.70	82,933.50
34	72,109.70	75,582.00	79,207.70	82,933.50	86,894.86

29 Salaries Established; Law Enforcement Employees; January 1, 2001. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; Law Enforcement Employees. The salary ranges for law enforcement employees commencing January 1, 2001, shall be established as follows:

**January 1, 2001**

**SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
01	19,935.76	20,516.08	21,125.26	21,763.30	22,425.52
02	20,516.08	21,125.26	21,763.30	22,425.52	23,141.56
03	21,125.26	21,763.30	22,425.52	23,141.56	23,801.70
04	21,763.30	22,425.52	23,141.56	23,801.70	24,490.70
05	22,425.52	23,141.56	23,801.70	24,490.70	25,204.40
06	23,141.56	23,801.70	24,490.70	25,204.40	25,997.92
07	23,801.70	24,677.64	25,706.72	26,767.26	27,851.98
08	24,677.64	25,706.72	26,767.26	27,851.98	28,939.04
09	25,706.72	26,767.26	27,851.98	28,939.04	30,079.40
10	26,767.26	27,851.98	28,939.04	30,079.40	31,322.20
11	27,851.98	28,939.04	30,079.40	31,322.20	32,595.94
12	28,939.04	30,079.40	31,322.20	32,595.94	33,865.26
13	30,079.40	31,322.20	32,595.94	33,865.26	35,241.18
14	31,322.20	32,595.94	33,865.26	35,241.18	36,697.18
15	32,595.94	33,971.86	35,427.86	36,884.12	38,417.86
16	33,971.86	35,427.86	36,884.12	38,417.86	40,034.02
17	35,427.86	36,884.12	38,417.86	40,034.02	41,808.00
18	36,884.12	38,417.86	40,034.02	41,808.00	43,555.20
19	38,417.86	40,034.02	41,808.00	43,555.20	45,460.48
20	40,034.02	41,808.00	43,555.20	45,460.48	47,369.92
21	41,808.00	43,555.20	45,460.48	47,369.92	49,435.10
22	43,555.20	45,460.48	47,369.92	49,435.10	51,553.58
23	45,460.48	47,476.52	49,621.78	51,871.56	54,252.38
24	47,476.52	49,621.78	51,871.56	54,252.38	56,664.40
25	49,621.78	51,871.56	54,252.38	56,664.40	59,180.68
26	51,871.56	54,252.38	56,664.40	59,180.68	61,879.48
27	54,252.38	56,664.40	59,180.68	61,879.48	64,662.52
28	56,664.40	59,180.68	61,879.48	64,662.52	67,599.22
29	59,180.68	61,879.48	64,662.52	67,599.22	70,620.16
30	61,879.48	64,662.52	67,599.22	70,620.16	73,821.28
31	64,662.52	67,757.04	71,015.88	74,272.64	77,849.46
32	67,757.04	71,015.88	74,272.64	77,849.46	81,581.76
33	71,015.88	74,272.64	77,849.46	81,581.76	85,420.92
34	74,272.64	77,849.46	81,581.76	85,420.92	89,500.32

30 Unclassified Salaries; October 1, 1999. The introductory paragraph of RSA 94:1-a, I is repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on October 1, 1999:

31 Unclassified Salaries; Salary Ranges for Groups; October 1, 1999. Amend RSA 94:1-a, I by replacing the salary ranges for each group with the following:

Group I	\$26,662	\$39,969
Group J	\$31,089	\$44,403
Group K	\$35,513	\$48,855
Group L	\$39,973	\$53,288
Group M	\$44,408	\$57,723
Group N	\$48,858	\$62,171
Group O	\$51,079	\$65,508
Group P	\$57,725	\$74,372

Group Q	\$59,958	\$76,612
Group R	\$62,175	\$78,827
Group S	\$64,394	\$81,046
Group T		\$83,256
Group U		\$113,004
Group V		\$88,810
Group W		\$93,263

32 Unclassified Salaries; October 1, 2000. The introductory paragraph of RSA 94:1-a, I is repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on October 1, 2000:

33 Unclassified Salaries; Salary Ranges for Groups; October 1, 2000. Amend RSA 94:1-a, I by replacing the salary ranges for each group with the following:

Group I	\$27,461	\$41,168
Group J	\$32,021	\$45,735
Group K	\$36,578	\$50,320
Group L	\$41,172	\$54,886
Group M	\$45,740	\$59,454
Group N	\$50,323	\$64,036
Group O	\$52,611	\$67,473
Group P	\$59,456	\$76,603
Group Q	\$61,756	\$78,910
Group R	\$64,040	\$81,191
Group S	\$66,325	\$83,477
Group T		\$85,753
Group U		\$116,394
Group V		\$91,474
Group W		\$96,060

34 Salary Wages for Councilors and Commissioners; October 1, 1999. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing

October 1, 1999:	Minimum	Maximum
Governor's councilors		\$11,098
Pari-mutuel commissioners		\$ 8,415
Sweepstakes commission, chairman		\$12,627
Sweepstakes commission, members		\$ 6,734

35 Salary Wages for Councilors and Commissioners; October 1, 2000. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing

October 1, 2000:	Minimum	Maximum
Governor's councilors		\$11,430
Pari-mutuel commissioners		\$ 8,667
Sweepstakes commission, chairman		\$13,005
Sweepstakes commission, members		\$ 6,936

36 Classified Increases; October 1, 1999. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Classified employees of the state as of October 1, 1999, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

37 Classified Increases; October 1, 2000. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Classified employees of the state as of October 1, 2000, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

38 Judicial Salaries; October 1, 1999. RSA 491-A:1 is repealed and reenacted to read as follows:  
 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$106,649
Associate justices, supreme court	\$103,416
Chief justice, superior court	\$103,416
Associate justices, superior court	\$ 96,952
District court justices prohibited from practice pursuant to RSA 502-A:21	\$ 96,952
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$ 96,952

39 Judicial Salaries; October 1, 2000. RSA 491-A:1 is repealed and reenacted to read as follows:  
 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$109,848
Associate justices, supreme court	\$106,518
Chief justice, superior court	\$106,518
Associate justices, superior court	\$ 99,861
District court justices prohibited from practice pursuant to RSA 502-A:21	\$ 99,861
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$ 99,861

40 Judicial Employees; October 1, 1999. All judicial employees shall receive 3 percent salary increases on October 1, 1999.

41 Judicial Employees; October 1, 2000. All judicial employees shall receive 3 percent salary increases on October 1, 2000.

42 Legislative Employees; October 1, 1999. Legislative employees shall receive 3 percent salary increases effective October 1, 1999, if such increases are approved by the appointing authority.

43 Legislative Employees; October 1, 2000. Legislative employees shall receive 3 percent salary increases effective October 1, 2000, if such increases are approved by the appointing authority.

44 Changes in Salary Groups. Any classified employee whose position was changed from one salary group to a lower paying salary group, during the 1999 legislative session, shall continue to receive the salary and scheduled raises of the higher paying salary group so long as such employee is employed in such position.

45 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 26-44 of this act for the fiscal years ending June 30, 2000 and June 30, 2001:

FY 2000						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$10,298,116	\$ 5,548,154	\$1,198,189	\$2,225,208	\$235,358	\$128,377	\$ 962,830
FY 2001						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$24,243,747	\$13,024,483	\$2,761,220	\$5,381,480	\$561,883	\$295,845	\$2,218,836

The governor is authorized to draw a warrant for said sums out of the appropriate funds.

46 Effective Date.

- I. Section 9 of this act shall take effect upon its passage
- II. Sections 16-20, 22, and 23 of this act shall take effect 60 days after its passage.
- III. Sections 26, 28, 30, 31, 34, 36, 38, 40, and 42 shall take effect October 1, 1999.
- IV. Sections 27, 29, 32, 33, 35, 37, 39, 41, and 43 shall take effect October 1, 2000.
- V. The remainder of this act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill:

- I. Authorizes the commissioner of the department of health and human services to implement a pharmaceutical purchasing initiative.
- II. Enables additional revenues to be made available for certain health and human services programs.

III. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.

IV. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

V. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.

VI. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.

VII. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.

VIII. Transfers up to \$20,000,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.

IX. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.

X. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.

XI. Grants laid-off state employees certain rights with regard to rehiring.

XII. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the speaker of the house and the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.

XIII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

XIV. Establishes a committee to study the protection of waterfront properties from erosion.

XV. Makes an appropriation to the department of transportation for the borrow-a-lane project.

XVI. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

XVII. Establishes the position of deputy director of motor vehicles.

XVIII. Grants pay raises to state employees, judicial employees, and legislative employees.

Rep. Burling spoke in favor.

Reps. Jacobson and Woodward spoke against.

Rep. Hager spoke in favor and yielded to questions.

Rep. Marjorie Smith spoke in favor and yielded to questions.

Rep. Noyes requested a quorum count. The Speaker declared a quorum present.

Rep. Torr yielded to questions.

Rep. Martel spoke against.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

### CONSIDERATION OF HOUSE BILL 2 (CONT'D.)

Rep. DiFruscia moved Re-commit to Committee and spoke in favor.

Rep. Wallin spoke against.

Rep. Burling requested a roll call; sufficiently seconded.

**YEAS 104 NAYS 158**

**YEAS 104**

**BELKNAP**

Bartlett, Gordon  
Rosen, Ralph

Johnson, James  
Thomas, John

Lawton, David  
Turner, Robert

Rice, Thomas  
Wendelboe, Francine

**CARROLL**

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Sullivan, P Judith

Lyman, L Randy

Mock, Henry

**CHESHIRE**

Hunt, John	Royce, H Charles	Smith, Edwin
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**COOS**

Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr	Woodward, David
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**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Hinman, Harry	Phinney, William	Ward, Brien

**HILLSBOROUGH**

Andrews, Frederick	Batula, Peter	Belvin, William	Brundige, Robert
Chabot, Robert	Clegg, Robert, Jr	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Dokmo, Cynthia	Fenton, James	Fletcher, Richard
Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert	Holley, Sylvia
Kurk, Neal	L'Heureux, Robert	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	Martin, Mary	McGough, Tim	Mercer, Robert
Mosher, William	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Reeves, Sandra	Rowe, Robert	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Hess, David	Kennedy, Richard	Leber, William
Marple, Richard	Soltani, Tony		

**ROCKINGHAM**

Abbott, Dennis	Christie, Andrew, Jr	Clark, Vivian	Cox, Russell
DiFruscia, Anthony	Dolan, Richard	Flanagan, Natalie	Flanders, John, Sr
Francoeur, Sheila	Gleason, John	Grant, Kenneth	Griffin, Mary
Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Priestley, Anne	Putnam, Ed, II
Raynowska, Bernard	Ruffner, Walter	Sapareto, Frank	Stickney, Nancy
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Whittier, John	Zolla, William		

**STRAFFORD**

McKinley, Robert
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**SULLIVAN**

None
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**NAYS 158****BELKNAP**

Lawton, Robert	Millham, Alida	Pilliod, James
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**CARROLL**

Babson, David, Jr	Dickinson, Howard	Kenney, Joseph	MacDonald, Kenneth
Philbrick, Donald			

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Zerba, Roger			

**COOS**

Hawkinson, Marie  
Rodrigue, Robert

Horton, Lynn

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Ham, Bonnie

Copenhaver, Marion  
Marshall, Gene

Densmore, Jessica  
Nordgren, Sharon

Guest, Robert  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Beaupre, Roland  
Cote, David  
Dwyer, Paul, Sr  
Franks, Suzan  
Gorman, Mary  
Johnson, Lionel  
LaRose, Richard  
McCarty, Winston  
Messier, Irene  
Reidy, Frank  
Turgeon, Roland

Arnold, Thomas, Jr  
Bergeron, Lucien  
Cote, Peter  
Fields, Dennis  
Garrish, Linda  
Haettenschwiler, Alphonse  
Keye, Harvey  
Lasky, Bette  
McDonald, James, Sr  
Moriarty, Mary  
Sarette, John  
Vaillancourt, Steve

Arthur, Rose  
Buckley, Raymond  
Craig, James  
Ford, Nancy  
Ginsburg, Ruth  
Jean, Claudette  
Konys, Christine  
Leonard, Peter  
Melcher, Harold  
Murphy, Robert  
Sargent, Maxwell  
White, John

Baroody, Benjamin  
Clemons, Jane  
Drabinowicz, A  
Foster, Linda  
Goley, Jeffrey  
Jean, Loren  
LaPorte, George  
Lynde, Harold  
Mendenhall, Leslie  
Peterson, Andrew  
Simon, Anthony

**MERRIMACK**

Bouchard, Candace  
Davis, Francis  
Hager, Elizabeth  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Brewster, Richard  
Fortnam, Janet  
Jacobson, Alf  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Crosby, Toni  
French, Barbara  
Lockwood, Priscilla  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Daneault, Gabriel  
Gile, Mary  
Moore, Carol  
Rodd, Beth  
Wallin, Jean

**ROCKINGHAM**

Blanchard, MaryAnn  
Gibbons, Paul  
Kelley, Jane  
Pantelakos, Laura

Clark, Martha  
Hutchinson, Rebecca  
Langone, John  
Shelton, Richard

Cooney, Richard  
Johnson, Robert  
Norelli, Terie  
Splaine, James

Downing, Michael  
Kane, Cecelia  
O'Keefe, Patricia  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Cossette, Larry  
Grassie, Anne  
Knowles, William  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Heon, Richard  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph  
Woods, Phyllis

Brown, George  
Estabrook, Iris  
Kaen, Naida  
Rollo, Michael  
Spear, Barbara  
Vachon, Dennis

Callaghan, Frank  
Gilmore, Gary  
Keans, Sandra  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

**SULLIVAN**

Allison, David  
Leone, Richard

Burling, Peter  
Phinizy, James

Cloutier, John  
Robb-Theroux, Amy

Flint, Gordon, Sr  
Tuthill, John

and the motion failed, lacking the necessary two-thirds.

**MOTION TO LAY ON THE TABLE**

Rep. Woodward moved that **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures, be laid on the table.

On a division vote, 90 members having voted in the affirmative and 173 in the negative, the motion failed, lacking the necessary two-thirds.

The question now being the adoption of the floor amendment (1763h).



Rep. Wendelboe requested that the question be divided. The Speaker ruled that the question was divisible.

The question now being the adoption of Section 2 of the floor amendment (1763h).

Rep. Wendelboe spoke against.

On a division vote, 142 members having voted in the affirmative and 109 in the negative, Section 2 of the floor amendment failed, lacking the necessary two-thirds.

The question now being the adoption of the remainder of the floor amendment (1763h).

A roll call was requested; sufficiently seconded.

## YEAS 149 NAYS 109

### YEAS 149

#### BELKNAP

Millham, Alida Pilliod, James

#### CARROLL

Dickinson, Howard MacDonald, Kenneth Philbrick, Donald

#### CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Zerba, Roger			

#### COOS

Hawkinson, Marie Landers, Dana Mears, Edgar Rodrigue, Robert

#### GRAFTON

Amy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Ham, Bonnie	Nordgren, Sharon	Solow, Martha	

#### HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Buckley, Raymond	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Drabinowicz, A	Dwyer, Paul, Sr	Fields, Dennis
Ford, Nancy	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
LaPorte, George	Lasky, Bette	Leonard, Peter	Lynde, Harold
McDonald, James, Sr	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Moriarty, Mary	Murphy, Robert	Peterson, Andrew	Reidy, Frank
Sarette, John	Sargent, Maxwell	Simon, Anthony	Turgeon, Roland
Vaillancourt, Steve	White, John		

#### MERRIMACK

Bouchard, Candace	Brewster, Richard	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	French, Barbara	Gile, Mary
Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla	Moore, Carol
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

#### ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cooney, Richard
Downing, Michael	Flanagan, Natalie	Gibbons, Paul	Hutchinson, Rebecca

Johnson, Robert  
Norelli, Terie  
Shelton, Richard

Kane, Cecelia  
O'Keefe, Patricia  
Splaine, James

Kelley, Jane  
Pantelakos, Laura  
Vaughn, Charles

Langone, John  
Sapareto, Frank

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph

Brennan, William  
Estabrook, Iris  
Kaen, Naida  
Rollo, Michael  
Spear, Barbara  
Vachon, Dennis

Brown, George  
Gilmore, Gary  
Keans, Sandra  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

### SULLIVAN

Allison, David  
Leone, Richard

Burling, Peter  
Phinizz, James

Cloutier, John  
Robb-Theroux, Amy

Flint, Gordon, Sr  
Tuthill, John

### NAYS 109

### BELKNAP

Bartlett, Gordon  
Rosen, Ralph

Johnson, James  
Thomas, John

Lawton, Robert  
Turner, Robert

Rice, Thomas  
Wendelboe, Francine

### CARROLL

Babson, David, Jr  
Kenney, Joseph  
Sullivan, P Judith

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

### CHESHIRE

Hunt, John

Royce, H Charles

Smith, Edwin

### COOS

Horton, Lynn  
Woodward, David

Merrill, Gerald

Pratt, Leighton

Tholl, John, Jr

### GRAFTON

Akins, Ralph  
Eaton, Stephanie  
Ward, Brien

Alger, John  
Hinman, Harry

Cobb, John  
Marshall, Gene

Dudley, Terri  
Phinney, William

### HILLSBOROUGH

Andrews, Frederick  
Belvin, William  
Daniels, Gary  
Fletcher, Richard  
Holley, Sylvia  
LaRose, Richard  
Martin, Mary  
Mosher, William  
Reeves, Sandra  
White, Donald

Arnold, Thomas, Jr  
Brundige, Robert  
Desmarais, Vivian  
Gagnon, Eugene  
Jean, Loren  
Lozeau, Donnalee  
McCarty, Winston  
O'Hearn, Jane  
Rowe, Robert  
Withee, Dennis

Batula, Peter  
Chabot, Robert  
Dokmo, Cynthia  
Goulet, Maurice  
Kurk, Neal  
MacGillivray, Jeffrey  
McGough, Tim  
Ouellette, Dean  
Thulander, O Alan

Beaupre, Roland  
Dalianis, Griffin  
Fenton, James  
Hansen, Herbert  
L'Heureux, Robert  
Martel, Andre  
Mercer, Robert  
Pappas, Marc  
Wall, Nancy

### MERRIMACK

Anderson, Eric

Hess, David

Kennedy, Richard

Leber, William

### ROCKINGHAM

Christie, Andrew, Jr  
Dolan, Richard

Clark, Vivian  
Flanders, John, Sr

Cox, Russell  
Francoeur, Sheila

DiFruscia, Anthony  
Gleason, John

Griffin, Mary  
Kobel, Rudolph  
Nowe, Ronald  
Putnam, Ed, II  
Stritch, C Donald  
Whittier, John

Henderson, Warren  
Langley, Jane  
Noyes, Richard  
Raynowska, Bernard  
Tufts, J Arthur  
Zolla, William

Katsakiores, George  
Morse, Charles  
O'Neil, Michael  
Ruffner, Walter  
Varrell, Thomas

Katsakiores, Phyllis  
Nowe, Mary Lou  
Priestley, Anne  
Stickney, Nancy  
Weare, Everett

### STRAFFORD

Cossette, Larry

McKinley, Robert

Woods, Phyllis

### SULLIVAN

None

and the remainder of the floor amendment failed, lacking the necessary two-thirds.

### MOTION FOR A CALL OF THE HOUSE

Rep. Wallin moved a Call of the House.

The Speaker ruled that a Call of the House required a two-thirds vote of those present and voting.

Rep. Wallin withdrew her motion.

### LAID ON THE TABLE

Reps. Chandler and Burling moved that **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures, be laid on the table.

Rep. Philbrick requested a roll call; sufficiently seconded.

### YEAS 219 NAYS 36

### YEAS 219

### BELKNAP

Bartlett, Gordon  
Thomas, John

Lawton, Robert  
Turner, Robert

Millham, Alida  
Wendelboe, Francine

Pilliod, James

### CARROLL

Babson, David, Jr  
Kenney, Joseph  
Philbrick, Donald

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard  
Patten, Betsey

### CHESHIRE

Batchelder, Robert  
Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Royce, H Charles

Blaisdell, Michael  
Hunt, John  
Meador, David  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Riley, William  
Zerba, Roger

DePecol, Benjamin  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

### COOS

Hawkinson, Marie  
Merrill, Gerald

Horton, Lynn  
Rodrigue, Robert

Landers, Dana  
Tholl, John, Jr

Mears, Edgar  
Woodward, David

### GRAFTON

Amy, Susan  
Guest, Robert  
Nordgren, Sharon

Copenhaver, Marion  
Ham, Bonnie  
Solow, Martha

Densmore, Jessica  
LaMott, Paul

Eaton, Stephanie  
Marshall, Gene

### HILLSBOROUGH

Ahern, Richard  
Baroody, Benjamin  
Bergin, Peter

Andrews, Frederick  
Beaupre, Roland  
Brundige, Robert

Arnold, Thomas, Jr  
Belvin, William  
Buckley, Raymond

Arthur, Rose  
Bergeron, Lucien  
Chabot, Robert

Clegg, Robert, Jr  
 Craig, James  
 Dwyer, Paul, Sr  
 Franks, Suzan  
 Goley, Jeffrey  
 Holley, Sylvia  
 Konys, Christine  
 LaRose, Richard  
 Lynde, Harold  
 McDonald, James, Sr  
 Mercer, Robert  
 Murphy, Robert  
 Reidy, Frank  
 Turgeon, Roland  
 Withee, Dennis

Clemons, Jane  
 Daniels, Gary  
 Fields, Dennis  
 Gagnon, Eugene  
 Gorman, Mary  
 Jean, Claudette  
 Kurk, Neal  
 Lasky, Bette  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Messier, Irene  
 O'Hearn, Jane  
 Sarette, John  
 Vaillancourt, Steve

Cote, David  
 Dokmo, Cynthia  
 Ford, Nancy  
 Garrish, Linda  
 Goulet, Maurice  
 Johnson, Lionel  
 L'Heureux, Robert  
 Leonard, Peter  
 Martin, Mary  
 Melcher, Harold  
 Moriarty, Mary  
 Pappas, Marc  
 Sargent, Maxwell  
 White, Donald

Cote, Peter  
 Drabinowicz, A  
 Foster, Linda  
 Ginsburg, Ruth  
 Haettenschwiller, Alphonse  
 Keye, Harvey  
 LaPorte, George  
 Lozeau, DonnaLee  
 McCarty, Winston  
 Mendenhall, Leslie  
 Mosher, William  
 Peterson, Andrew  
 Simon, Anthony  
 White, John

### MERRIMACK

Bouchard, Candace  
 Davis, Francis  
 Hager, Elizabeth  
 Lockwood, Priscilla  
 Rodd, Beth  
 Wallin, Jean

Brewster, Richard  
 Fortnam, Janet  
 Hess, David  
 Moore, Carol  
 Seldin, Gloria  
 Wallner, Mary Jane

Crosby, Toni  
 French, Barbara  
 Jacobson, Alf  
 Potter, Frances  
 St Cyr, Gerard  
 Whittemore, James

Daneault, Gabriel  
 Gile, Mary  
 Kennedy, Richard  
 Reardon, Tara  
 Virtue, Carolyn  
 Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
 Cooney, Richard  
 Downing, Michael  
 Gibbons, Paul  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Norelli, Terie  
 O'Neil, Michael  
 Ruffner, Walter  
 Varrell, Thomas  
 Whittier, John

Blanchard, MaryAnn  
 Cox, Russell  
 Flanagan, Natalie  
 Gleason, John  
 Johnson, Robert  
 Kelley, Jane  
 Nowe, Ronald  
 Pantelakos, Laura  
 Sapareto, Frank  
 Vaughn, Charles  
 Zolla, William

Clark, Martha  
 DiFruscia, Anthony  
 Flanders, John, Sr  
 Griffin, Mary  
 Kane, Cecelia  
 Kobel, Rudolph  
 Noyes, Richard  
 Putnam, Ed, II  
 Shelton, Richard  
 Weare, Everett

Clark, Vivian  
 Dolan, Richard  
 Francoeur, Sheila  
 Henderson, Warren  
 Katsakiores, George  
 Langone, John  
 O'Keefe, Patricia  
 Raynowska, Bernard  
 Splaine, James  
 Welch, David

### STRAFFORD

Berube, Roger  
 Dunlap, Patricia  
 Kaen, Naida  
 Rollo, Michael  
 Spear, Barbara  
 Vachon, Dennis

Brennan, William  
 Estabrook, Iris  
 Keans, Sandra  
 Smith, Marjorie  
 Taylor, Kathleen  
 Vincent, Francis

Brown, George  
 Grassie, Anne  
 Knowles, William  
 Snyder, Clair  
 Torr, Franklin  
 Wall, Janet

Callaghan, Frank  
 Heon, Richard  
 Rogers, Rose Marie  
 Spang, Judith  
 Twardus, Joseph

### SULLIVAN

Allison, David  
 Leone, Richard

Burling, Peter  
 Phinizy, James

Cloutier, John  
 Robb-Theroux, Amy

Flint, Gordon, Sr  
 Tuthill, John

### NAYS 36

### BELKNAP

Johnson, James

Rice, Thomas

### CARROLL

Howard, Godfrey

Mock, Henry

Sullivan, P Judith

### CHESHIRE

Smith, Edwin

**COOS**

Pratt, Leighton

**GRAFTON**Akins, Ralph  
Hinman, HarryAlger, John  
Ward, Brien

Cobb, John

Dudley, Terri

**HILLSBOROUGH**Batula, Peter  
Jean, Loren  
Thulander, O AlanDesmarais, Vivian  
Martel, Andre  
Wall, NancyFletcher, Richard  
Ouellette, DeanHansen, Herbert  
Rowe, Robert**MERRIMACK**

Anderson, Eric

Leber, William

Soltani, Tony

**ROCKINGHAM**Christie, Andrew, Jr  
Stickney, NancyLangley, Jane  
Stritch, C DonaldMorse, Charles  
Tufts, J Arthur

Priestley, Anne

**STRAFFORD**

Cossette, Larry

McKinley, Robert

Woods, Phyllis

**SULLIVAN**

None

and the motion was adopted by the necessary two-thirds.

**MOTION TO SPECIAL ORDER**

Rep. Peterson moved that **HB 707-FN**, relative to the family division of the courts be made a special order for the next session day in the regular calendar order .

On a division vote, 233 members having voted in the affirmative and 6 in the negative, the motion was adopted by the necessary two-thirds.

**REGULAR CALENDAR – PART II (CONT'D.)**

**SB 12-FN-A**, relative to the World War II memorial campaign and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. Jeffrey C. MacGillivray for Finance: This bill would have appropriated \$60,000, representing \$1 for each of the 60,000 New Hampshire World War II veterans, as a contribution to a national World War II memorial. The committee is aware that considerable private funds have also been raised, but given the current budget situation, the committee is unable to support this appropriation at this time. In a few months the situation may have changed. Vote 12-5.

Rep. Kurk spoke against.

On a division vote, 17 members having voted in the affirmative and 227 in the negative, the report failed. Rep. Kurk moved Ought to Pass.

On a division vote, 238 members having voted in the affirmative and 9 in the negative, the motion was adopted by the necessary two-thirds.

Ordered to third reading.

**SB 36-FN-A**, relative to salary increases for care providers for persons with developmental and acquired disabilities and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. Robert K. Boyce for Finance: There was discussion about whether this proposed increase of funds would actually increase the pay to direct care personnel since there was testimony that not all are receiving the current \$7.54 rate. There is no money in the proposed budget or in the governor's budget to pay the \$4.5 million annual cost of this increase. We would like to re-refer this bill in order to find further answers to the problems brought to the committee. Vote 16-3.

Rep. Manning spoke in favor.

On a division vote, 205 members having voted in the affirmative and 30 in the negative, the report was adopted by the necessary two-thirds.

## MOTION TO SPECIAL ORDER

Rep. Jacobson moved that **SB 40**, relative to the health care fund be made a Special Order for the next session day in the Regular Calendar order.

On a division vote, 225 members having voted in the affirmative and 17 in the negative, the motion was adopted by the necessary two-thirds.

## REGULAR CALENDAR – PART II (CONT'D.)

**SB 134-FN**, relative to medicaid reimbursement rates and dental care. RE-REFER TO COMMITTEE  
Rep. Robert K. Boyce for Finance: This bill sought to increase the rate of reimbursement to dentists for services to Medicaid-eligible children in the expectation that this increase would result in more children being treated by dentists. This bill would increase general fund spending by \$350,000 in fiscal year 2000, increasing subsequently to \$1.1 million in fiscal year 2003. Such additional funds are not available at this time. Re-referring this bill will allow the committee to investigate other possible sources of funding.

In addition, significant questions were raised regarding the existence of other reasons why so few dentists will treat these children, beyond the current Medicaid reimbursement rates. The fraction of Medicaid children already being treated in New Hampshire is already significantly above the national average. Time is needed to get answers to these important questions. Vote 11-7.

On a division vote, 226 members having voted in the affirmative and 13 in the negative, the report was adopted by the necessary two-thirds.

**SB 145-FN-A**, relative to state financial aid for state fairs, and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Jeffrey C. MacGillivray for Finance: This bill would have appropriated \$250,000 annually from the general fund to support state agricultural fairs. The committee does not believe that this appropriation is of sufficient comparative importance to be funded in this biennium. Vote 15-4.

On a division vote, 209 members having voted in the affirmative and 28 in the negative, the report was adopted by the necessary two-thirds.

**SB 205-FN**, expanding medical coverage to pay dental assistance for adults on medicaid. INEXPEDIENT TO LEGISLATE

Rep. Robert K. Boyce for Finance: These are new services not now provided, and there is a question about a 28-a violation since 25% of the cost would fall upon the counties. While the cost of this in 2000 would have been \$200,000 in general funds, it is projected to grow to \$1.5 million in 2003. There is no money in the proposed budget or in the governor's budget to pay for this. Vote 11-7.

Rep. Kurk spoke against.

On a division vote, 15 members having voted in the affirmative and 232 in the negative, the report failed.

Rep. Kurk moved Re-refer to Committee.

On a division vote, 241 members having voted in the affirmative and 6 in the negative, the motion was adopted by the necessary two-thirds.

## SENATE MESSAGES

### REQUEST CONCURRENCE WITH AMENDMENTS

**HB 675-FN**, extending the applicability of postsecondary educational assistance for New Hampshire national guard members and requiring an annual reporting from state-supported postsecondary institutions. (Amendment printed, SJ 23, 6/17/99)

Rep. O'Hearn moved that the House concur and spoke in favor.

On a division vote, 225 members having voted in the affirmative and 4 in the negative, the motion was adopted by the necessary two-thirds.

**HJR 2**, urging that federal air pollution programs not punish early adopters of air pollution control technology. (Amendment printed SJ 24, 6/22/99)

Rep. Norelli moved that the House concur and spoke in favor.

On a division vote, 228 members having voted in the affirmative and 3 in the negative, the motion was adopted by the necessary two-thirds.

## CONCURRENCE

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000, and June 30, 2001.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 1, 325 and 438.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Welch moved that the House reconsider its action whereby it ordered to third reading, *SB 227-FN*, establishing a gambling business felony and spoke against.

Rep. Welch requested a roll call, sufficiently seconded.

**YEAS 78 NAYS 166**

**YEAS 78**

**BELKNAP**

Pilliod, James

**CARROLL**

Dickinson, Howard

Kenney, Joseph

**CHESHIRE**

Blaisdell, Michael  
Russell, Ronald

Lynch, Margaret  
Zerba, Roger

McGuirk, Paul

Mitchell, McKim

**COOS**

None

**GRAFTON**

Dudley, Terri  
Weber, Phil

Hall, David

Solow, Martha

Ward, Brien

**HILLSBOROUGH**

Baroody, Benjamin  
Clemons, Jane  
Dwyer, Paul, Sr  
Hansen, Herbert  
Martel, Andre  
Mendenhall, Leslie  
Sarette, John

Bergeron, Lucien  
Cote, Peter  
Fletcher, Richard  
L'Heureux, Robert  
McCarty, Winston  
Messier, Irene  
Simon, Anthony

Brundige, Robert  
Craig, James  
Franks, Suzan  
Leonard, Peter  
McDonald, James, Sr  
Reidy, Frank  
Vaillancourt, Steve

Buckley, Raymond  
Desmarais, Vivian  
Goley, Jeffrey  
Lynde, Harold  
Melcher, Harold  
Rowe, Robert  
White, Donald

**MERRIMACK**

Crosby, Toni  
Marple, Richard  
Wallin, Jean

Daneault, Gabriel  
Reardon, Tara

Kennedy, Richard  
St Cyr, Gerard

Lockwood, Priscilla  
Virtue, Carolyn

**ROCKINGHAM**

Belanger, Ronald  
Katsakiores, George  
Norelli, Terie  
Splaine, James

Blanchard, MaryAnn  
Katsakiores, Phyllis  
Pantelakos, Laura

Hutchinson, Rebecca  
Kelley, Jane  
Quandt, Marshall

Kane, Cecelia  
Kobel, Rudolph  
Sapareto, Frank

**STRAFFORD**

Brennan, William  
Keans, Sandra  
Taylor, Kathleen

Dunlap, Patricia  
McKinley, Robert  
Torr, Franklin

Estabrook, Iris  
Rollo, Michael  
Twardus, Joseph

Grassie, Anne  
Smith, Marjorie

**SULLIVAN**

Cloutier, John

Phinizy, James

Tuthill, John

**NAYS 166****BELKNAP**Boyce, Robert  
Rosen, RalphJohnson, James  
Thomas, JohnMillham, Alida  
Turner, RobertRice, Thomas  
Wendelboe, Francine**CARROLL**Babson, David, Jr  
Lyman, L Randy  
Philbrick, DonaldBradley, Jeb  
MacDonald, KennethChandler, Gene  
Mock, HenryHoward, Godfrey  
Patten, Betsey**CHESHIRE**Batchelder, Robert  
Pratt, Irene  
Royce, H CharlesBurnham, Daniel  
Richardson, Barbara  
Smith, EdwinHunt, John  
Riley, WilliamManning, Joseph  
Robertson, Timothy**COOS**Hawkinson, Marie  
Pratt, LeightonHorton, Lynn  
Tholl, John, JrLanders, Dana  
Woodward, David

Mears, Edgar

**GRAFTON**Akins, Ralph  
Copenhaver, Marion  
Hinman, Harry  
Nordgren, SharonAlger, John  
Eaton, Stephanie  
LaMott, PaulAlmy, Susan  
Guest, Robert  
Marshall, GeneCobb, John  
Ham, Bonnie  
Mirski, Paul**HILLSBOROUGH**Ahern, Richard  
Batula, Peter  
Chabot, Robert  
Drabinowicz, A  
Gagnon, Eugene  
Goulet, Maurice  
Jean, Loren  
Kurk, Neal  
Lozeau, Donnalee  
Moriarty, Mary  
Peterson, Andrew  
Turgeon, RolandAndrews, Frederick  
Beaupre, Roland  
Clegg, Robert, Jr  
Fields, Dennis  
Garrish, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
LaPorte, George  
MacGillivray, Jeffrey  
Mosher, William  
Reeves, Sandra  
Wall, NancyArnold, Thomas, Jr  
Belvin, William  
Cote, David  
Ford, Nancy  
Ginsburg, Ruth  
Herman, Keith  
Keye, Harvey  
LaRose, Richard  
McGough, Tim  
Murphy, Robert  
Sargent, Maxwell  
White, JohnArthur, Rose  
Bergin, Peter  
Dokmo, Cynthia  
Foster, Linda  
Gorman, Mary  
Jean, Claudette  
Konys, Christine  
Lasky, Bette  
Mercer, Robert  
O'Hearn, Jane  
Thulander, O Alan**MERRIMACK**Anderson, Eric  
Fortnam, Janet  
Leber, William  
Soltani, TonyBouchard, Candace  
French, Barbara  
Moore, Carol  
Wallner, Mary JaneBrewster, Richard  
Hess, David  
Potter, Frances  
Whittemore, JamesDavis, Francis  
Jacobson, Alf  
Seldin, Gloria  
Yeaton, Charles**ROCKINGHAM**Abbott, Dennis  
Cooney, Richard  
Downing, Michael  
Gibbons, Paul  
Henderson, Warren  
Morse, CharlesChristie, Andrew, Jr  
Cox, Russell  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Nowe, Mary LouClark, Martha  
DiFruscia, Anthony  
Flanders, John, Sr  
Grant, Kenneth  
Langley, Jane  
Nowe, RonaldClark, Vivian  
Dolan, Richard  
Francoeur, Sheila  
Griffin, Mary  
Langone, John  
Noyes, Richard



O'Keefe, Patricia  
Raynowska, Bernard  
Stritch, C Donald  
Weare, Everett  
Zolla, William

O'Neil, Michael  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

Priestley, Anne  
Shelton, Richard  
Varrell, Thomas  
Weyler, Kenneth

Putnam, Ed, II  
Stickney, Nancy  
Vaughn, Charles  
Whittier, John

### STRAFFORD

Brown, George  
Knowles, William  
Spear, Barbara

Callaghan, Frank  
Rogers, Rose Marie  
Vachon, Dennis

Cossette, Larry  
Snyder, Clair  
Wall, Janet

Kaen, Naida  
Spang, Judith  
Woods, Phyllis

### SULLIVAN

Burling, Peter

Flint, Gordon, Sr

Leone, Richard

and the motion failed.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, June 29, 1999 at 10:00 a.m.

On a division vote, 221 members having voted in the affirmative and 14 in the negative, the motion was adopted by the necessary two-thirds.

### LATE SESSION

#### Third reading and final passage

**HB 224-FN-A**, establishing a joint committee on code enforcement.

**HB 577**, relative to the power of a school district to expend catastrophic special education funds and relative to the exemption of certain unexpected catastrophic special education expenses from the provisions of the municipal budget law.

**SB 37-FN**, relative to fees for testing of domestic animals for disease.

**SB 227-FN**, establishing a gambling business felony.

**HB 25-A**, making appropriations for capital improvements.

**HB 553**, establishing a commission on the status of men.

**HB 625-FN-A**, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills.

**HB 643-FN-A-L**, transferring the regulation of emergency medical services from the department of health and human services to the department of safety.

**HB 649-FN**, relative to nitrogen oxide emissions from electricity generation.

**HB 669-FN**, relative to the determination of current comparable compensation for persons with gainful earnings who receive disability retirement benefits.

**HB 704-FN-A**, establishing a wildlife damage control program and making an appropriation therefor.

**SB 12-FN-A**, relative to the World War II memorial campaign and making an appropriation therefor.

### UNANIMOUS CONSENT

Rep. Weber addressed the House.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming committees of conference only.

Adopted.

The House recessed at 4:36 p.m.

### RECESS

**(Speaker Sytek in the Chair)**

**SENATE MESSAGES**

**NONCONCURS WITH AMENDMENT**

**REQUESTS COMMITTEE OF CONFERENCE**

**SB 140**, relative to ear and body piercing.

The President appointed Sens. Wheeler, Squires and McCarley.

Rep. Konys moved that the House accede.

Adopted.

The Speaker appointed Reps. Dalrymple, Manning, Seldin and Batula.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 291**, establishing a study committee for seed sterilization technology or "terminator" technology. (Amendment printed SJ 24, 6/22/99)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Babson, Chandler, Harmon and Melcher.

**HB 333**, relative to contracts between participating providers and managed care entities. (Amendment printed SJ 24, 6/22/99)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Keith Herman, Hunt, Francoeur, and Taylor.

**RECESS**

**(Rep. Welch in the Chair)**

**NONCONCURS WITH AMENDMENT**

**REQUESTS COMMITTEE OF CONFERENCE**

**SB 70**, changing the safe drinking water standard for MTBE.

The President appointed Sens. Wheeler, Cohen and Russman.

Rep. Knowles moved that the House accede.

Adopted.

The Chair appointed Reps. Bradley, Norelli, Maxfield and Densmore.

**RECESS**

**(Rep. Clegg in the Chair)**

**SENATE MESSAGES**

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 25-FN-A**, making appropriations for capital improvements. (Amendment printed SJ 25, 6/24/99)

Rep. French moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Edwin Smith, Chandler, Calawa and Vaughn.

**HB 265**, relative to the student trustees on the university system of New Hampshire board of trustees. (Amendment printed SJ 25, 6/24/99)

Rep. French moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Chandler, Hess, Kurk and Snyder.

**RECESS**

**(Rep. Clegg in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 56**, establishing a procedure for reinstating corporations that have been administratively dissolved for more than 3 years.

**Amendment (1753-EBA)**

Amend section 2 of the bill by replacing line 4 with the following:

A:14.20 for dissolving a corporation, [~~he~~] *the secretary of state* shall administratively dissolve the corporation by signing and  
Adopted.

**HB 245-FN**, relative to fees and appropriations to the division of safety services.

**Amendment (1796-EBA)**

Amend section 4 of the bill by replacing line 14 with the following:

~~powers of arrest.~~] The report of an auxiliary  
Adopted.

**HB 313-FN**, Relative to the regulation of the practice of optometry.

**Amendment (1814-EBA)**

Amend RSA 327:13, II as inserted by section 10 of the bill by replacing lines 2-3 with the following:  
the state an application for renewal addressed to the post office address provided by the applicant.

Amend section 21 of the bill by replacing paragraph X with the following:

X. RSA 327:23, relative to notice of suspension or revocation.

Adopted.

**HB 485-FN**, relative to the calculation of unemployment compensation benefits.

**Amendment (1811-EBA)**

Amend section 2 of the bill by replacing lines 1 and 2 with the following:

2 New Subparagraph; State-Federal Extended Benefit Program; Definitions. Amend RSA 282-A:30, I by inserting after subparagraph (k) the following new subparagraph:  
Adopted.

**HJR 8**, urging the Federal Energy Regulatory Commission to change the structure of the New England Independent System Operator (ISO).

**Amendment (1797-EBA)**

Amend the first paragraph after the resolving clause of the resolution by replacing lines 4-13 with the following:

- I. Four representatives from investor-owned utilities;
- II. Two representatives from municipally or cooperatively owned utilities;
- III. One representative of industrial consumers;
- IV. One representative of commercial consumers;
- V. One representative of residential consumers;
- VI. One representative from an environmental public interest group;
- VII. One representative from a public utility commission;
- VIII. One representative from a non-utility organization which markets energy products; and
- IX. One representative of a consumer advocate's office;

Amend the third paragraph after the resolving clause of the resolution by replacing lines 2-4 with the following:

be forwarded by the house clerk to the Commissioners of the Federal Energy Regulatory Commission, and the congressional delegations, house and senate leaders and governors of all the New England states.

Adopted.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 562**, relative to the date of decision for appeals of zoning matters. (Amendment printed SJ 24, 6/22/99)

Rep. Burling moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Chair appointed Reps. Hess, Lockwood, Foster and Simon.  
Adopted.

**NONCONCURS WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE**

**SB 47**, relative to compensation for time lost by fish and game conservation officers for injuries received in the line of duty, and restoring certain leave time for a conservation officer injured while on duty on August 19, 1997.

The President appointed Sens. Disnard, Trombly and Frederick King.

Rep. Burling moved that the House accede.

Adopted.

The Chair appointed Reps. Dyer, Langer, Stickney and Reidy.

**RECESS**

**(Speaker Sytek in the Chair)**

**SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 252**, establishing a committee to study all aspects of the condominium act established under RSA 356-B. (Amendment printed SJ 25, 6/24/99)

Rep. Clegg moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Keith Herman, Avery, McGough and Tara Reardon.

**HB 369**, establishing a committee on educational programs on tobacco use for minors. (Amendment printed SJ 25, 6/24/99)

Rep. Clegg moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. McGough, Langley, Francoeur and Garrish.

**HB 408**, relative to drug formularies under managed care entities. (Amendment printed SJ 25, 6/24/99)

Rep. Clegg moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Keith Herman, Francoeur, McGough and Taylor.

**RECESS**

**(Rep. Clegg in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 88, 236, 274, 443, 469, 495, 519, 561, 586, 604, 609, 667, 706, and 726 and Senate Bills 45, 74, 129, 173, and 193.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 24

Tuesday, June 29, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Carolyn H. Keilig, Pastor of the Community Church of Harrisville and Chesham.

Eternal and unchanging God, be with us as we work this day. Challenge us to hear with new ears, what sometimes seems to be the same old discussion. Help us to not let the heat of the day dictate how responses are made to complicated issues. Call on us to make any debate as substantial and fast-moving as a greatly needed summer thunderstorm. Strengthen and renew us, should we become weary, and guide us in the decisions that will be made this day. Amen.

Rep. Estabrook led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Courchesne, Doucette, Golden, McColgan, Sabella, Schanda and Searles, the day, illness. Reps. Chase, David Flanders, Fuller Clark, Glines, Hamel, Harmon, Heon, Hoadley, Lefebvre, Martin, MacNeil, McRae, O'Connell, Owen, Picconi, Phinney, Rodrigue, Sullivan, Torressen, Tufts, Wiggins and Young, the day, important business.

Rep. Durham, the day, death in the family.

Rep. Emerton, the day, illness in the family.

### INTRODUCTION OF GUESTS

Theresa Blaisdell, wife of Rep. Blaisdell. Richard Maynard, guest of Rep. Garrish. Andrea Crosby, daughter of Rep. Crosby. The Korkin family, guests of Rep. Nordgren.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 213**, relative to voting by prisoners. (Amendment printed SJ 25, 6/24/99)

Rep. Arndt moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 216**, relative to release conditions pending trial for defendants in domestic violence, stalking, or protective order violation cases. (Amendment printed SJ 25, 6/24/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 272-FN**, relative to the use of laser pointing devices. (Amendments printed SJ 23, 6/17/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 367**, relative to requesting certifying scientists to appear at DWI hearings. (Amendment printed SJ 23, 6/17/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 399**, allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary and changing the filing period for declarations of candidacy for candidates for president and vice-president at the presidential primary. (Amendment printed SJ 25, 6/24/99)

Rep. Arndt moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 492-FN-A-L**, reducing the state bond guarantee limit for wastewater projects. (Amendment SJ 21, 5/27/99)

Rep. Kurk moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 687-FN**, establishing the criminal offense of identity fraud. (Amendment SJ 25, 6/24/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 739**, eliminating certain restrictions on the number of days bingo volunteers may serve. (Amendment SJ 23, 6/17/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

### CLERK'S NOTE

The constitutionally required two-thirds of the membership was declared present.

### SENATE MESSAGES (CONT'D.)

**HB 411**, requiring voters to present identification. (Amendment SJ 25, 6/24/99)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Clegg, Mary Lou Nowe, Arndt and Rodrigue.

**HB 596**, making technical corrections to certain laws administered by the department of revenue administration and extending the temporary tax rate of the communications services tax through the biennium ending June 30, 2001. (Amendment printed SJ 24, 6/22/99)

Rep. Kurk moved that the House concur and spoke in favor.

Adopted.

### CONCURRENCES

**HB 94**, relative to enforcement of the child passenger restraint law.

**HB 231**, relative to approval of applications in the charter schools pilot program.

**HB 270**, relative to persons not competent to stand trial.

**HB 324**, repealing certain grounds for granting a divorce for cause.

**HB 381**, prohibiting any candidate from receiving the nomination of more than one party.

**HB 486**, relative to the physician effectiveness program.

**HB 545-FN**, establishing a committee to study ambulatory surgical facilities.

**HB 650-FN-A**, establishing a committee to study the structure of alcohol and drug abuse prevention services.

**HB 665**, relative to the New Hampshire emergency management compact with other jurisdictions.

**HB 720-FN**, relative to the practice of midwifery.

**HB 722-FN**, revising the law relative to protection of persons from domestic violence.

**HCR 9**, encouraging greater health care choices for Medicare eligible citizens throughout New Hampshire.

### CONCURRENCE WITH AMENDMENTS

**SB 67**, limiting liability resulting from the use of automatic external defibrillation.

**SB 163**, establishing a commission to study methods for reducing violent incidents involving children and guns.

**SB 172**, relative to representation by a citizen in a court proceeding.

**SB 189**, relative to the establishment of a civil rights act.

**SB 217-FN**, relative to real estate brokers of other jurisdictions doing business in this state.

### NONCONCURRENCES

**HB 64**, relative to changes of registration for undeclared voters.

**HB 581-L**, relative to deposits on utility meters.

**HB 657-FN**, relative to the health services planning and review board and the certificate of need process.

**HB 715-FN-A-L**, granting responsibility for court security to the county sheriff and abolishing certain court security officer positions.

**HB 732**, relative to nonpayment of member dues and fees and access to financial records of condominium associations.

### REREFERRED

**HB 113**, affirming sovereign immunity as it relates to the Claremont ruling.

**HB 228**, clarifying permissible political expenditures

**HB 311-FN-A**, relative to grants made under the New Hampshire incentive program.

**HB 366**, repealing the requirement that persons filing for a primary on the last day of the filing period do so in person.

**HB 470**, relative to settlement of personal actions.

**HB 723-FN**, relative to standby and emergency guardianship proxies.

### ACCEDES TO A REQUEST FOR COMMITTEE OF CONFERENCE

**HB 69**, relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees.

The President appointed Sens. Wheeler, John King and Fraser.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled HJR 7 and 8, House Bills 56, 66, 245, 313, 379, 399, 414, and 745, and Senate Bills 112 and 150.

Rep. Ronald Nowe for the Committee

### COMMITTEE REPORTS

#### CONSENT CALENDARS – PARTS I AND II

Rep. Chandler moved that Consent Calendars – Parts I and II with the relevant amendments as printed in the day's House Records be adopted.

**SB 158**, relative to indecent exposure, removed by Rep. John Pratt.

Consent Calendars adopted.

**SB 105**, relative to continuation of coverage of health insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen N. Taylor for Commerce: This bill clarifies the provisions relating to continuation of coverage of health insurance for employees in group plans. It provides for temporary continuation of insurance coverage for members of group plans and their dependents who have become ineligible for continued coverage due to various circumstances beyond their control. Vote 17-0.

#### Amendment (1381h)

Amend RSA 415:18, VII(g)(1)(F) as inserted by section 1 of the bill by replacing it with the following:

~~[(E)](F)~~ The individual, surviving spouse, divorced spouse, legally separated spouse, or dependent shall elect to continue the participation in the group plan according to rules adopted by the commissioner under RSA 541-A. The individual, surviving spouse, or dependent shall be responsible for payment of premiums which may include an administrative fee not to exceed 2 percent of the monthly premium to the employer or policyholder throughout the extension period. ~~[With respect to a divorced spouse or legally separated spouse, the extension shall be provided without additional premium or examination therefor, as if the decree had not been entered; however, the premium may include an administrative fee not to exceed 2 percent of the monthly premium to the employer or policyholder throughout the extension periods.]~~ Any divorced spouse or legally separated spouse who is responsible for making a portion of or full payment to the employer shall notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this subparagraph is requested. Any employee who is responsible for making a portion of or full payment to the employer shall likewise notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this subparagraph is requested. The employer shall have the right to terminate coverage for a former dependent spouse who is receiving coverage under this subparagraph if any payment for the coverage is not received from the former dependent spouse within 30

days of the date the premium payments are due. If any payment for the coverage for which the employee is responsible is not received from the employee within 30 days of the date the premium payments are due, the employer shall have the right to terminate coverage for a former dependent spouse; however, no such termination shall occur without 30 days' prior notice to the former dependent spouse, during which time the former dependent spouse shall be given an opportunity to make the payments due or to secure payment from the employee. Upon termination of the extension period, the member, surviving spouse, divorced spouse, legally separated spouse, or dependent shall be entitled to exercise any option which is provided in the group plan to elect a converted policy. After timely receipt of the premium payment from the individual, surviving spouse, divorced spouse, legally separated spouse, or dependent, if the employer fails to make payments to the insurer or health service corporation or health maintenance organization, with the result that coverage is terminated, the employer shall be liable for benefits to the same extent as the insurer or health service corporation or health maintenance organization would have been liable if coverage had not been terminated.

#### AMENDED ANALYSIS

This bill clarifies the provisions relating to continuation of coverage of health insurance for employees in group plans.

**SB 29-L**, relative to the proper sheltering of dogs. RE-REFER TO COMMITTEE

Rep. Everett A. Weare for Criminal Justice and Public Safety: The concerns raised by dog owners, kennel owners and the SPCA could not be resolved in subcommittee. However, the merits of the bill have value in the protection of dogs and these differences can best be worked in a study. Vote 12-1.

**SB 88-FN**, relative to penalties for third driving while intoxicated offenses. RE-REFER TO COMMITTEE

Rep. Everett A. Weare for Criminal Justice and Public Safety: The hearing on the issue of driving under the influence of alcohol raised many questions in regards to the present laws and programs that govern this very serious problem. After discussion with the sponsor it was determined that the committee should hold on to this bill and wait until the outcome on HB 84 is complete. Therefore, the request for re-refer is recommended. Vote 13-0.

**SB 125**, placing restrictions on name changes for certain felons. INEXPEDIENT TO LEGISLATE

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill is very similar to HB 215. Since we passed HB 215 and agreed to the senate amendment, SB 125 is no long necessary. Vote 13-0.

**SB 143-FN**, relative to penalties for incest. RE-REFER TO COMMITTEE

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill deals with the penalties and the elimination of the statute of limitations in cases of incest. This is an important bill and the committee feels we need time to study it and come out with an equitable piece of legislation. Vote 12-1.

**SB 228-FN**, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system. RE-REFER TO COMMITTEE

Rep. Michael O'Neil for Executive Departments and Administration: This bill would provide spousal benefits equal to 50% upon the death of retired group II members who opted not to take the benefit and retired before April 1, 1987. The committee feels it needs additional time to gather information on the cost and ramifications of changing this benefit for all group II members. Vote 13-0.

**CACR 10**, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: This is one of three constitutional amendments that the committee voted to re-refer in order to have more time to look at the issues. This will not delay implementing any possible constitutional amendment, since no amendment can be placed before the voters until November, 2000. Vote 17-1.



**HB 455-FN-L**, designating all tobacco-related funds to be used exclusively to supplement state aid to public education. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Finance: The committee appreciates the willingness of the sponsors of this bill and many others to bring forward myriad ideas concerning education funding. We have all learned a lot in the more than five months since this bill was filed, and will continue to learn more. However, education funding is not our only responsibility and, while in the immediate future we will be spending our tobacco settlement money on education, the committee was not willing to commit to this as a long-term policy. Vote 16-0.

**HB 735-FN-A**, establishing a contributory judicial retirement plan. **RE-REFER TO COMMITTEE**  
Rep. Franklin G. Torr for Finance: This bill establishes a contributory judicial defined contribution retirement plan administered by the administrative office of the courts. Although carefully crafted and reviewed, this bill is very complex. The sponsor recommended the bill be re-referred. Also there needs to be a determination from the IRS that there would be no loss of tax exemption for retirees remaining in the present retirement system if a new retirement system were created. Vote 16-0.

**SB 176-FN-A**, relative to technology support for individuals and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. Marjorie K. Smith for Finance: The bill would make a \$500,000 appropriation from the general fund to the Department of Health and Human Services to provide technology support, assistive devices, information, and training programs to individuals with disabilities. The committee expressed great interest in the programs that would be part of this effort but, with the end of this session looming, there was not sufficient time to explore alternative funding possibilities. Vote 18-0

**SB 76-L**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. **RE-REFER TO COMMITTEE**

Rep. Anthony F. Simon for Municipal and County Government: While believing that the North Country of our state needs economic assistance, the committee feels that this bill requires clarification of the types of uses to which tax exemptions could apply and the municipalities that would be eligible to grant such exemptions. Vote 13-0.

**SB 86**, relative to enforcement of the collection and payment of county taxes by the county treasurer. **RE-REFER TO COMMITTEE**

Rep. Linda T. Foster for Municipal and County Government: This bill would allow county treasurers to collect county taxes in the same way that state or local tax collectors now accomplish this task. Although this policy may accommodate the needs of the unincorporated places, the committee wishes more time to ascertain its effect on our incorporated cities and towns, which traditionally have paid the county taxes assessed on their property owners even when the property owner did not pay the county taxes to the town. Vote 13-0.

**SB 89-L**, relative to library trustees. **RE-REFER TO COMMITTEE**

Rep. Anthony F. Simon for Municipal and County Government: This bill would establish procedures for the appointment of alternate library trustees, schedules for payment of appropriations to libraries and the status (lapsing or non-lapsing) of library funds. The committee feels that this bill needs further refinement to establish the proper relationship between municipalities and library trustees. Vote 13-0.

**SB 188-L**, allowing school districts operating under the official ballot form of meeting to have more than one special meeting per year through court petition on an appropriation question or issue. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: In SB 2 towns there is already a mechanism to hold a special meeting for school districts as stated in RSA 197:3: "Raising Money at Special Meeting." If the issue concerns an annual school district's amendment or rejection of the cost items or fact finder's reports concerning a collective bargaining agreement, then the special meeting can be called without court approval. This mechanism was enacted in 1997 and needs a chance to work in its current form. As long as the same issue or question is not addressed and there is an emergency, a school district may petition the court for additional special meetings. With the passage of HB 117 and the increased funding to the majority of school districts in this state resulting from that law, the committee did not feel that changing the rules regarding special school

district meetings was judicious at this time. In addition, Section 2 of this bill would apply to all school meetings held in 1999. But HB 111 (Chapter 2 of the Laws of 1999) provides the opportunity to all school districts and municipalities to have one special meeting without court approval this year to address any Claremont-related issues. Therefore, the committee feels that this bill is not necessary and unanimously voted "inexpedient to legislate." Vote 13-0.

### REGULAR CALENDAR – PART I

**SB 199**, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Keith R. Herman for the majority of Commerce: This is the Governor's "HMO Accountability Act." The bill, as sent over from the Senate, contained four separate parts, each designed to provide consumers with information and tools necessary to ensure they receive adequate, timely health care services from HMO insurance companies.

These four sections are: 1.) Requiring all medical directors employed by an HMO to hold a valid New Hampshire physician's license. 2.) Providing for an independent external grievance procedure for cases where an HMO has denied payment for a covered benefit. 3.) Prohibiting any contract between an insurance carrier and a physician from containing a financial inducement to deny necessary care. 4.) Defining a decision not to pay for a specific health service or drug as "The Practice of Medicine."

The Commerce Committee believes strongly that consumers are entitled to receive any care necessary to maintain and improve their health conditions. The consumer should also receive those services without having to worry if their insurance company will pay for them as long as the service is a covered benefit. (No one is entitled to services without paying for those services.) To acknowledge these and other concerns the Commerce Committee has passed an amendment to SB 199, which includes aspects of all four sections of the original bill.

The committee worked in a bipartisan fashion to improve the language and simplify the processes of the original bill. The amendment requires an HMO to have a medical director who is licensed to practice medicine in New Hampshire. The amendment creates an independent external review process with oversight by the New Hampshire Insurance Commissioner. The amendment prohibits financial inducements in contracts between doctors and insurance companies. The amendment requires notification and disclosure to consumers of all their rights and obligations under this chapter. The amendment subjects any medical director who is overturned by an independent review organization to scrutiny by the Insurance Commissioner and two national accreditation boards which establish standards for utilization review decisions. The amendment creates a statutory study committee to develop guidelines for the board of medicine to use when determining whether a medical director exhibits a pattern of practice to be investigated by the board. The amendment adds a "hold harmless" clause so patients aren't responsible for the cost of care while going through the grievance process. The amendment reorganizes the bill to make RSA references easier to find and follow.

The Governor testified during the public hearing the costs (increases in health insurance premiums) of this bill would not exceed \$2 per month per covered person. This would translate into a \$720,000 increase in cost to the state employees' health benefit. (There are approximately 30,000 state-covered lives when you consider spouses and dependents.) The committee amendment would still cause premiums to rise, but by less than half of the Governor's estimated cost.

The only major portion of the original bill not included in the amendment is the expansion of the definition of "Practice of Medicine." RSA 329:1 currently defines the practice of medicine as a diagnosis, treatment, performance of surgery, or prescription of any treatment for any disease or human ailment. The committee simply does not agree that a "determination which denies authorization or payment for a covered service" can be interpreted as fitting the intent of the current definition of practice of medicine. The committee agrees that a medical director should be responsible for decisions, which result in harm to the patient, just as all other licensed physicians are currently. The original bill however, would have a medical director responsible for simply enforcing an insurance company policy which recommends one treatment over another regardless of the impact on the patient. There is no requirement harm is done, simply refusing to pay would be sufficient to trigger the responsibility and liability provisions in the original bill. This is inconsistent with the public health intent of the current definition in RSA 329:1.

The committee feels the amendment more accurately reflects the public policy statement that consumers should have access to care, which is paid for, without having to be concerned about insurance company reimbursement. The amendment accomplishes this by creating a process by which a medical director can be subjected to discipline (like all other physicians) for exhibiting a pattern of practice, which denies medically necessary care to patients.

The minority simply refuses to accept this process and is only willing to accept the definition change included in the original bill. The minority is willing to disregard the hard work put into creating an improved bill with bipartisan agreement on the changes the amendment makes. The committee knows the amendment effectively takes care of all the public policy concerns addressed by the Governor's original bill. Having a medical director be licensed in New Hampshire and having that medical director's adverse determinations subject to review and scrutiny are enough to ensure consumer protection and will not unreasonably increase the costs of insurance. Only five states require licensure by statute. NO OTHER STATE defines an adverse determination as the practice of medicine. This is not about being able to sue your HMO. New Hampshire repealed its corporate practice of medicine doctrine in 1995. Under current New Hampshire law, an HMO can be sued. The House previously passed HB 640-FN, which dealt with an external grievance procedure. The committee was willing to disregard this established House position in order to make improvements which all could agree on. Those improvements will not be reflected if the committee amendment is not accepted. Vote 9-8.

Rep. Martha Fuller Clark for the Minority of Commerce: The 9-8 vote for SB 199, the HMO Accountability Act, is the result of a fundamental difference within the Commerce Committee. The amended version omits part 2 from the original bill as passed in the Senate on a 20-4 vote. This section expands the definition of the practice of medicine to include medical directors. This statutory language clarifies that when medical directors are denying covered care on the basis of medical necessity, they are practicing medicine. The principal reason an HMO hires a physician as a medical director to make determinations of coverage is because they are using their medical expertise in rendering such decisions. Therefore, they should be held to the same standard of accountability and review as any other doctor. Without the language in part 2 of the original bill, this can not happen. Additionally, the original bill retains a grievance process which is more favorable to the consumer, despite the fact that certain improvements to the process of external grievance are contained in the amendment. The minority believes that these improvements are not of such importance that the underlying need for medical director accountability should be sacrificed in the process. Consumers need the grievance process to hold HMO's accountable and the New Hampshire Board of Medicine needs the statutory language to hold medical directors accountable. This bill should be passed in its entirety as it came to the House from the Senate if the Legislature is to enact significant HMO reform.

### **Amendment (1803h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Medical Directors Required. Amend RSA 420-E by inserting after section 2 the following new section:

420-E:2-a Medical Director. Every medical utilization review entity licensed by the department under this chapter shall employ a medical director licensed under RSA 329.

2 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph XXV the following new paragraph:

XXV-a. "Medical director" means a physician licensed under RSA 329 and employed by a health carrier or medical utilization review entity who is responsible for the utilization review techniques and methods of the health carrier or medical utilization review entity and their administration and implementation.

3 New Paragraph; Medical Director Required. Amend RSA 420-J:6 by inserting after paragraph IV the following new paragraph:

V. Each health carrier that conducts utilization review shall employ a medical director who shall have responsibility for all utilization review techniques and methods and their administration and implementation. Nothing in this section shall be construed to preclude a medical director from consulting with or relying on the advice of a physician licensed in this state or any other state. Nothing in this section shall be construed as expanding the professional or personal liability of a medical director.

4 Information Provided to Covered Persons. Amend RSA 420-J:5, II(a) – (d) to read as follows:

(a) A description of the *internal* grievance procedure *required under RSA 420-J:5* for adverse determinations and other matters ~~[which]~~ *and a description of the process for obtaining external review under RSA 420-J:5-a – RSA 420-J:5-d. These descriptions* shall be set forth in or attached to the policy, certificate, membership booklet, or other evidence of coverage provided to covered persons.

(b) A statement of a covered person's right to contact the commissioner's office for assistance at any time. The statement shall include the toll-free telephone number and address of the commissioner.

(c) Upon written denial of a requested medical service or claim by the health carrier, a statement of the covered person's right to access the internal grievance process. *This statement shall also include a written explanation of any adverse determination, with the name and credentials of the health carrier medical director, including board status and the state or states where the person is currently licensed, and the relevant clinical rationale used to make the adverse determination. If the person making the adverse determination is not the medical director but a designee, then the credentials, board status, and state or states of current license shall also be provided for that person. Nothing in this section shall be construed to require a health carrier to provide proprietary information protected by third party contracts.*

(d) Staff assistance in filing an internal grievance.

5 Second Level Grievance; Names Required. Amend RSA 420-J:5, V(a)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. Upon concurrence of the covered person, a copy of the decision shall be forwarded to the insurance department. The decision shall include the titles of the members of the review panel; a statement of the review panel's understanding of the nature of the grievance, including issues raised by the covered person, and all pertinent facts; the rationale for the review panel's decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and a statement of the covered person's right to file an external appeal as provided in RSA ~~[420-J:5, VIII]~~ *420-J:5-a – RSA 420-J:5-d. The statement of appeal rights shall include a description of the process for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available..*

6 Review Panel; Names Required. Amend RSA 420-J:5, V(b)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. The decision shall include the titles of the members of the review panel; a statement of the review panel's understanding of the nature of the grievance and all pertinent facts; the rationale for the review panel's decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and a statement of the covered person's right to file an external appeal as provided in RSA ~~[420-J:5, VIII]~~ *420-J:5-a – RSA 420-J:5-d. The statement of appeal rights shall include a description of the process for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available.*

7 Expedited Internal Grievance Review. Amend RSA 420-J:5, VI(e) to read as follows:

(e) In any case where the expedited review process does not resolve a difference of opinion between the health carrier and the covered person or the provider acting on behalf of the covered person, the covered person or the provider acting on behalf of the covered person may submit a written grievance, unless the provider is prohibited from filing a grievance by federal or other state law. A health carrier shall review it as a second level grievance. In conducting the review, the health carrier shall ~~[adhere to time frames that are reasonable under the circumstances]~~ *make a decision and notify the covered person as expeditiously as the covered person's medical condition requires, but in no event more than 72 hours after the grievance is submitted.*

8 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph III the following new paragraph:

III-a. "Authorized representative" means a person to whom a covered person has given consent to represent the covered person in an external review. Authorized representative may include the covered person's treating provider.

9 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph XXIII the following new paragraph:

XXIII-a. "Independent review organization" means an entity that employs or contracts with clinical peers to conduct independent external reviews of health carrier determinations.

10 New Sections; External Review. Amend RSA 420-J by inserting after section 5 the following new sections:

#### 420-J:5-a Right to External Review.

I. A covered person shall have the right to independent external review of a health carrier determination when all of the following conditions apply:

(a) The subject of the request for external review is an adverse determination;

(b) The covered person has completed the internal review procedures provided by the health carrier pursuant to RSA 420-J:5, III through VI, or the health carrier has agreed to submit the determination to independent external review prior to completion of internal review, or the covered person has requested first or second level, standard or expedited review and has not received a decision from the health carrier within the required time frames;

(c) The covered person or the covered person's authorized representative has submitted the request for external review in writing to the commissioner within 6 months of the date of the health carrier's second level denial decision provided pursuant to RSA 420-J:5, V or VI, or if the health carrier has failed to make a first or second level, standard or expedited review decision that is past due, within 6 months of the date the decision was due;

(d) The covered person's cost for the amount in controversy is, or is anticipated to be, equal to or in excess of a total of \$500;

(e) The health carrier determination does not relate to any category of health care services that is excluded from the external review provisions of this section pursuant to paragraph II; and

(f) The request for external review is not based on a claim or allegation of provider malpractice, professional negligence, or other professional fault excluded from the external review provisions of this section pursuant to RSA 420-J:5-c, I.

II. Determinations relating to the following health care services shall not be reviewed under this section, but shall be reviewed pursuant to the review processes provided by applicable federal or state law:

(a) Health care services provided through medicaid, the state Children's Health Insurance Program (Title XXI of the Social Security Act), medicare or services provided under these programs but through a contracted health carrier.

(b) Health care services provided to inmates by the department of corrections.

(c) Health care services provided pursuant to a health plan not regulated by the state, such as self-funded plans administered by an administrative services organization or third-party administrator or federal employee benefit programs.

420-J:5-b Preliminary Review By the Commissioner. In the event that a covered person is entitled to external review and meets all of the requirements in RSA 420-J:5-a, the insurance department shall arrange for independent external review of certain health carrier determinations as follows:

I. Within 7 business days after the date of receipt of a request for external review, the commissioner shall determine whether the individual meets the criteria for external review by assessing whether:

(a) The individual is or was a covered person under the health benefit plan;

(b) The determination that is the subject of the request for external review meets the conditions of eligibility for external review stated in RSA 420-J:5-a, I; and

(c) The covered person has provided all the information and forms required by the commissioner that are necessary to process a request for an external review.

II. Upon completion of the preliminary review pursuant to paragraph I, the commissioner shall immediately notify the covered person or the covered person's authorized representative in writing:

(a) Whether the request is complete; and

(b) Whether the request has been accepted for external review.

III. If the request is not complete, the commissioner shall inform the covered person or the covered person's authorized representative what information or documents are needed to make the request complete. The covered person or the covered person's authorized representative shall submit such information or documentation within 3 business days of being notified that the request was incomplete.

IV. If the request for external review is accepted, the commissioner shall:

(a) Include in the notice provided to the covered person pursuant to paragraph II a statement that if the covered person wishes to submit new or additional information or to present oral testimony via teleconference, such information shall be submitted, and the oral testimony shall be scheduled and presented, within 20 days of the date of issuance of the notice. However, the notice shall also explain that oral testimony shall be permitted only in cases when the covered person provides evidence that it would not be feasible or appropriate to present only written testimony due to a physical or mental disability and the absence of an authorized representative.

(b) Immediately notify the health carrier in writing of the request for external review and its acceptance.

V. If the request for external review is not accepted, the commissioner shall inform the covered person or the covered person's authorized representative and the health carrier in writing of the reason for its non-acceptance.

420-J:5-c Standard External Review; Expedited External Review. Standard external review shall be conducted as follows:

I. The external review procedures set forth in this section shall not be utilized to adjudicate claims or allegations of health care provider malpractice, professional negligence, or other professional fault against participating providers or medical directors.

II. At the time a request for external review is accepted, the health carrier shall select an independent review organization that is certified pursuant to RSA 420-J:5-d, I to conduct the external review. Such independent review organization shall be selected from a list of at least 3 independent review organizations with which the carrier maintains a contract. The carrier shall not select the same independent review organization for each external review, but shall rotate among the organizations with which contracts are maintained, using all contracted organizations equally. The commissioner may allow the use of an independent review organization regardless of the rotation if the commissioner determines that the use of such independent review organization is necessary for the fair adjudication of the case in question.

III. Within 10 days after the date of issuance of the notice provided pursuant to RSA 420-J:5-b, IV, the health carrier or its designated utilization review organization shall provide to the selected independent review organization and to the covered person all information in its possession that is relevant to the adjudication of the matter in dispute, including but not limited to:

(a) The terms of agreement of the health benefit plan, including the evidence of coverage, benefit summary or other similar document;

(b) All relevant medical records, including records submitted to the carrier by the covered person, the covered person's authorized representative, or the covered person's treating provider;

(c) A summary description of the applicable issues, including a statement of the health carrier's final determination;

(d) The clinical review criteria used and the clinical reasons for the determination;

(e) The relevant portions of the carrier's utilization management plan;

(f) Any communications between the covered person and the health carrier regarding the internal or external review; and

(g) All other documents, information, or criteria relied upon by the carrier in making its determination.

IV. Failure by the health carrier or the covered person to provide the documents and information required in paragraph III within the specified time frame shall not delay the conduct of the external review.

V. The selected independent review organization shall review all of the information and documents received from the carrier pursuant to paragraph III and any other information submitted by the covered person or the covered person's authorized representative or treating provider pursuant to RSA 420-J:5-b, IV(a) and any testimony provided. In addition to the information provided by the health carrier and the covered person or the covered person's authorized representative or treat-

ing provider, the independent review organization may consider any applicable, generally accepted clinical practice guidelines, studies or research, including those developed or conducted by the federal government, national or professional medical societies, boards and associations. The independent review organization shall consider anew all previously determined facts, allow the introduction of new information, and make a decision that is not bound by decisions or conclusions made by the health carrier during internal review.

VI. The selected independent review organization shall render a decision upholding or reversing the determination of the health carrier and notify the covered person or the covered person's authorized representative and the health carrier in writing within 20 days of the date that any new or additional information from the covered person is due pursuant to RSA 420-J:5-b, IV(a). This notice shall include a written review decision that contains a statement of the nature of the grievance, references to evidence or documentation considered in making the decision, findings of fact, and the clinical and legal rationale for the decision, including, as applicable, clinical review criteria and rulings of law.

VII. Expedited external review shall be conducted as follows:

(a) Expedited external review shall be available when the covered person's treating health care provider certifies to the commissioner that adherence to the time frames specified in RSA 420-J:5-b and 420-J:5-c, I, II, III, IV, V and VI would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function.

(b) Except to the extent that it is inconsistent with the provisions of this paragraph, all requirements for the conduct of standard external review specified in RSA 420-J:5-b and 420-J:5-c, I, II, III, IV, V and VI shall apply to expedited external review.

(c) At the time the commissioner receives a request for an expedited external review, the commissioner shall immediately make a determination whether the request meets the standard set forth in subparagraph VII (a) for expedited external review, as well as the reviewability requirements set forth in RSA 420-J:5-b, I. If these conditions are met, the commissioner shall immediately notify the health carrier. If the request is not complete, the commissioner shall immediately contact the covered person or the covered person's authorized representative and attempt to obtain the information or documents that are needed to make the request complete.

(d) The health carrier shall select an independent review organization that is certified pursuant to RSA 420-J:5-d, I to conduct the expedited external review. If an independent review organization is not selected to conduct the review by the health carrier, the commissioner shall select an independent review organization that has been certified pursuant to RSA 420-J:5-d, I to conduct the review.

(e) The health carrier or its designated utilization review organization shall provide or transmit the documents and information specified in paragraph III to the selected independent review organization by telephone, facsimile or any other available expeditious method within one business day of receiving the commissioner's notice of the request for expedited external review pursuant to subparagraph VII(c).

(f) When handling a review on an expedited basis, the selected independent review organization shall make a decision and notify the carrier and the covered person as expeditiously as the covered person's medical condition requires, but in no event more than 72 hours after the expedited external review is requested.

(g) If the notice provided pursuant to subparagraph VII(f) was not in writing, within 2 business days after the date of providing that notice, the selected independent review organization shall:

(1) Provide written confirmation of the decision to the covered person or the covered person's authorized representative and the health carrier; and

(2) Include the information set forth in paragraph VI

(h) An expedited external review shall not be provided for determinations made by the health carrier on a retrospective basis.

(i) A covered person shall not be held liable to either the health plan, the hospital, the physician, or the services provider for the cost of services in excess of the applicable copayment, coinsurance, or deductible incurred, pending the independent review organization's determination of an expedited external review.

VIII. The health carrier against which a request for external review is filed shall pay the cost of the external review, such costs shall not exceed \$1,500. The commissioner shall notify the inde-

pendent review organizations of the cost limitation for conducting an external review. The cost for an external review may exceed \$1,500 if the commissioner determines an additional cost is necessary to ensure the fair adjudication of the case in question.

IX. An independent review organization shall maintain all standards of confidentiality. The records and internal materials prepared for specific reviews by an independent review organization under this section shall be exempt from public disclosure under RSA 91-A.

X. An external review organization acting in good faith shall have immunity from any civil or criminal liability or professional discipline as a result of acts or omissions with respect to any external review, unless the acts or omissions constitute willful and wanton misconduct.

XI. The right to external review under this section shall not be construed to change the terms of coverage under a health benefit plan nor shall the health carrier retaliate against the covered person for exercising his or her right to an independent external review.

XII. When requested by the covered person, the commissioner shall provide consumer assistance in pursuing the internal grievance procedures and the external review process under RSA 420-J:5 and this section.

XIII. The commissioner shall report annually to the governor and the legislature on the number of grievances subjected to external review, the number of decisions resolved wholly or partially in favor of the covered person, the number of decisions resolved wholly or partially in favor of the health carrier. Such reports shall not include those cases when the health carrier reversed its decision prior to a final determination by an independent review organization or those cases when the covered person and the health carrier agree to resolve the dispute prior to a final determination by the independent review organization.

XIV. If, in any calendar year, the determination of a health carrier is overturned on 3 separate occasions for the same treatment or service by an independent review organization, the commissioner may require the health plan to provide support for the clinical guidelines in question. If, in the judgment of the commissioner, the clinical guideline in question does not have a sound clinical basis, the commissioner may notify the Utilization Review Accreditation Committee (URAC) or the National Committee for Quality Assurance (NCQA), as appropriate. The commissioner may require the health carrier to contract with URAC or NCQA for an audit of the health carrier's compliance with those accreditation standards related to the development and application of utilization.

#### 420-J:5-d Certification of Independent Review Organizations.

I. The certification of independent review organizations shall be conducted as follows:

(a) The commissioner shall certify independent review organizations eligible to be selected to conduct external reviews under this section to ensure that an independent review organization satisfies the minimum qualifications established under paragraph II.

(b) The commissioner shall develop an application form for initially certifying and recertifying independent review organizations to conduct external reviews.

(c) Independent review organizations wishing to be certified shall submit the application form and include all documentation and information necessary for the commissioner to determine whether the independent review organization satisfies the minimum qualifications established under paragraph II.

(d) The commissioner may determine that accreditation by a nationally recognized private accrediting entity with established and maintained standards for independent review organizations that meet or exceed the minimum qualifications established under paragraph II is sufficient for certification under this paragraph.

(e) The commissioner shall maintain and periodically update a list of certified independent review organizations.

II. To be certified under paragraph I to conduct external reviews, an independent review organization shall meet the following minimum qualifications:

(a) It shall develop and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process.

(b) It shall establish and maintain a quality assurance program that:

(1) Ensures that external reviews are conducted within the specified time frames and required notices are provided in a timely manner;

(2) Ensures the selection of qualified and impartial clinical peer reviewers to conduct external reviews on behalf of the independent review organization with suitable matching of reviewers to specific cases;



(3) Ensures the confidentiality of medical and treatment records; and

(4) Ensures that any person employed by or under contract with the independent review organization adheres to the requirements of this section.

(c) It shall agree to maintain and provide to the commissioner such information as may be required to fulfill the provisions and purposes of this section.

(d) It shall assign clinical peer reviewers to conduct external reviews who are physicians or other appropriate health care providers and who:

(1) Are experts in the treatment of the covered person's medical condition that is the subject of the external review;

(2) Are knowledgeable about the recommended health care service or treatment through actual clinical experience;

(3) Hold a non-restricted license in a state of the United States and, for physicians, a current certification by a specialty board recognized by the American Board of Medical Specialties in the area or areas appropriate to the subject of the external review;

(4) Have no history or disciplinary actions or sanctions that have been taken or are pending by any hospital, governmental agency, or regulatory body; and

(5) Have agreed to disclose any potential conflict of interest.

(e) It shall be free of any conflict of interest. To meet this qualification, an independent review organization may not own or control or in any way be owned or controlled by a health carrier, a national, state or local trade association of health carriers, or a national state or local trade association of health care providers. In addition, in order to qualify to conduct an external review of a specific case, neither the independent review organization selected to conduct the external review nor any clinical peer reviewer assigned by the independent organization to conduct the external review may have a material professional, familial or financial interest in any of the following:

(1) The health carrier that is the subject of the external review;

(2) Any officer, director or management employee of the health carrier that is the subject of the external review;

(3) The health care provider or the health care provider's medical group or independent practice association recommending the health care service or treatment that is the subject of the external review;

(4) The facility or institution at which the recommended health care service or treatment would be provided;

(5) The developer or manufacturer of the principal drug, device, procedure or other therapy being recommended for the covered person whose treatment is the subject of the external review; or

(6) The covered person or the covered person's authorized representative.

(f) For the purpose of allowing in-state health care providers to act as clinical peer reviewers in the conduct of external reviews, the commissioner may determine, in specific cases, that an affiliation with a hospital, an institution, an academic medical center, or a health carrier provider network does not in and of itself constitute a conflict of interest which is sufficient to preclude that provider from acting as a clinical peer reviewer, so long as the affiliation is disclosed to the covered person or the covered person's authorized representative.

(g) The following organizations shall not be eligible for certification to conduct external reviews:

(1) Professional or trade associations of health care providers;

(2) Subsidiaries or affiliates of such provider associations;

(3) Health carrier or health plan associations; and

(4) Subsidiaries or affiliates of health plan or health carrier associations.

11 New Paragraphs; Provider Contract Standards. Amend RSA 420-J:8 by inserting after paragraph VI the following new paragraphs:

VII. No contract between a health carrier and a participating provider shall contain any payment or reimbursement provision the terms of which creates an inducement for the provider to not provide medically necessary care to covered persons. Nothing in this section shall be construed to prohibit the use of payment arrangements between a health carrier and a participating provider or provider group which involve capitation, withholds or other arrangements.

VIII. The health carrier shall provide to covered persons, in the evidence of coverage, a description for the types of financial arrangements contained in its contracts with participating providers. Such descriptions shall be set forth in clear, understandable language.

IX. Every contract between a health carrier and a participating provider shall provide that the health carrier may not remove a health care provider from its network or refuse to renew the health care provider with its network for participating in a covered person's internal grievance procedure or external review.

15 Committee Established. There is established a committee to develop guidelines for the investigation of medical directors whose determinations have been reversed by independent review organizations.

**16 Membership and Compensation.**

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

17 Duties. The committee shall develop a specific guidelines to be used by the board of medicine in determining whether a medical director exhibits a pattern of practice that should be the subject of an investigation of the board. The committee shall solicit input from the board of medicine and the department of insurance when developing these guidelines.

18 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

19 Report. The committee shall report its findings and recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1999.

20 Repeal. RSA 420-J:5, VIII and IX, relative to external process and annual report, are repealed.

**21 Effective Date.**

I. Sections 15-19 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2000.

**AMENDED ANALYSIS**

This bill creates an independent external consumer appeal process to review certain determinations made by managed care entities. The bill requires health carriers that conduct utilization review and licensed utilization review entities to employ a medical director. The bill prohibits contracts between health carriers and participating providers from including provisions that create financial incentives to deny medically necessary care. The bill also requires that health insurers disclose certain information necessary for consumers to hold managed care entities accountable for health care treatment decisions.

Reps. Avery, Nordgren, and Pilliod spoke against.

Reps. Patten, DiFruscia and Francoeur spoke in favor.

Rep. Crosby spoke against and yielded to questions.

Rep. Keith Herman spoke in favor.

Rep. Keith Herman requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

**YEAS 176 NAYS 175**

**YEAS 176**

**BELKNAP**

Boriso, Thomas  
Lawton, Robert  
Turner, Robert

Boyce, Robert  
Millham, Alida  
Wendelboe, Francine

Johnson, James  
Rice, Thomas

Lawton, David  
Thomas, John

**CARROLL**

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	Marshall, Gene	Mirski, Paul	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Dyer, Merton	Fenton, James	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Gagnon, Eugene	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Jean, Loren
Kurk, Neal	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston	McDonough-Wallace, Alice
McGough, Tim	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Wall, Nancy	White, Donald	

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Feuerstein, Martin
Hager, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Nichols, Avis	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Case, Margaret	Clark, Vivian	Cooney, Richard
Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Griffin, Mary
Henderson, Warren	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed, II	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Stickney, Nancy	Stritch, C Donald
Sytek, Donna	Varrell, Thomas	Verani, Giovanni	Weare, Everett
Welch, David	Weyler, Kenneth	Zolla, William	

**STRAFFORD**

Bickford, David	Cossette, Larry	Musler, George	Spear, Barbara
Woods, Phyllis			

**SULLIVAN**

Kibbey, David	Leone, Richard
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**NAYS 175****BELKNAP**

Pilliod, James

Rosen, Ralph

Salatiello, Thomas

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Avery, Stephen

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

DePecol, Benjamin

Lerandeau, Alfred

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meader, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

Zerba, Roger

**COOS**

Hawkinson, Marie

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan

Copenhaver, Marion

Guest, Robert

Ham, Bonnie

Johnson, Gary

Nordgren, Sharon

Solow, Martha

**HILLSBOROUGH**

Ahern, Richard

Arthur, Rose

Baroody, Benjamin

Bergeron, Lucien

Buckley, Raymond

Burkush, James

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Curran, James

Daigle, Robert

Dawe, Eileen

Desrosiers, William

Dokmo, Cynthia

Drabinowicz, A

Dwyer, Paul, Sr

Fields, Dennis

Foster, Linda

Franks, Suzan

Gagnon, Paul

Garrish, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haettenschwiller, Alphonse

Haley, Robert

Hall, Betty

Herman, Richard

Jean, Claudette

Johnson, Lionel

Keye, Harvey

Kony, Christine

L'Heureux, Robert

LaPorte, George

Lasky, Bette

Leonard, Peter

Lynde, Harold

Martel, Andre

McCarthy, William

McDonald, James, Sr

Melcher, Harold

Mendenhall, Leslie

Moriarty, Mary

Murphy, Robert

Perkins, Paul

Reidy, Frank

Sarette, John

Simon, Anthony

Turgeon, Roland

Vaillancourt, Steve

White, John

Withee, Dennis

**MERRIMACK**

Bouchard, Candace

Crosby, Toni

Crowell, Peter

Daneault, Gabriel

Davis, Francis

Fortnam, Janet

Fraser, Marilyn

French, Barbara

Gile, Mary

Hess, David

Jacobson, Alf

Lockwood, Priscilla

Moore, Carol

Potter, Frances

Poulin, Dave

Reardon, Tara

Rodd, Beth

Seldin, Gloria

St Cyr, Gerard

Virtue, Carolyn

Wallin, Jean

Wallner, Mary Jane

Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis

Blanchard, MaryAnn

Christie, Andrew, Jr

Corbin, C David

Dolan, Richard

Downing, Michael

Gibbons, Paul

Grant, Kenneth

Hutchinson, Rebecca

Johnson, Robert

Kane, Cecelia

Kelley, Jane

Kobel, Rudolph

Langone, John

Lovejoy, Marian

Norelli, Terie

O'Keefe, Patricia

Pantelakos, Laura

Pitts, Jacqueline

Rabideau, Marie

Sapareto, Frank

Shelton, Richard

Shultis, Elizabeth

Splaine, James

Stone, Joseph

Vaughn, Charles

Weatherspoon, Jackie

Whittier, John

**STRAFFORD**

Berube, Roger

Brennan, William

Brown, George

Brown, Julie

Callaghan, Frank

DeChane, Marlene

Domingo, Baldwin

Dunlap, Patricia

Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Gilmore, Gary  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Franklin

Grassie, Anne  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

Johnson, Nancy  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Tuthill, John

Burling, Peter  
Jones, Constance

Cloutier, John  
Phinizy, James

Donovan, Thomas, Jr  
Robb-Theroux, Amy

and the amendment was adopted.

The question now being the adoption of the majority report.

Rep. Hunt requested a roll call; sufficiently seconded.

### YEAS 315 NAYS 35

### YEAS 315

### BELKNAP

Boriso, Thomas  
Lawton, Robert  
Salatiello, Thomas  
Wood, Jane

Boyce, Robert  
Milham, Alida  
Thomas, John

Johnson, James  
Rice, Thomas  
Turner, Robert

Lawton, David  
Rosen, Ralph  
Wendelboe, Francine

### CARROLL

Babson, David, Jr  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth

### CHESHIRE

Batchelder, Robert  
Hunt, John  
McGuirk, Paul  
Richardson, Barbara  
Rose, William  
Zerba, Roger

Blaisdell, Michael  
Lerandeau, Alfred  
Meador, David  
Riley, William  
Royce, H Charles

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Roberts, William  
Russell, Ronald

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy  
Smith, Edwin

### COOS

Davis, Perley  
Landers, Dana  
Tholl, John, Jr

Guay, Lawrence  
Mears, Edgar  
Woodward, David

Hawkinson, Marie  
Merrill, Gerald

Horton, Lynn  
Pratt, Leighton

### GRAFTON

Akins, Ralph  
Cobb, John  
Gilman, G Michael  
Johnson, Gary  
Scanlan, David

Alger, John  
Copenhaver, Marion  
Guest, Robert  
Marshall, Gene  
Ward, Brien

Almy, Susan  
Dudley, Terri  
Hall, David  
Mirski, Paul  
Weber, Phil

Brothers, Richard  
Eaton, Stephanie  
Hinman, Harry  
Nordgren, Sharon

### HILLSBOROUGH

Ahern, Richard  
Baroody, Benjamin  
Bergeron, Lucien  
Buckley, Raymond  
Chabot, Robert  
Cote, Peter

Andrews, Frederick  
Batula, Peter  
Bergin, Peter  
Burkush, James  
Christiansen, Lars  
Coughlin, Pamela

Arnold, Thomas, Jr  
Beaupre, Roland  
Brundige, Robert  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Craig, James

Arthur, Rose  
Belvin, William  
Bruno, Pierre  
Carlson, Donald  
Cote, David  
Curran, James

Daigle, Robert  
Desmarais, Vivian  
Fenton, James  
Ford, Nancy  
Garrish, Linda  
Goulet, Maurice  
Hansen, Herbert  
Jean, Claudette  
Konys, Christine  
LaRose, Richard  
Lessard, Rudy  
Martel, Andre  
McDonough-Wallace, Alice  
Mercer, Robert  
Moriarty, Mary  
O'Hearn, Jane  
Peterson, Andrew  
Sarette, John  
Turgeon, Roland  
White, John

Dalianis, Griffin  
Desrosiers, William  
Fields, Dennis  
Foster, Linda  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Herman, Keith  
Jean, Loren  
Kurk, Neal  
Lasky, Bette  
Lozeau, Donnalee  
McCarthy, William  
McGough, Tim  
Messier, Irene  
Mosher, William  
Ouellette, Dean  
Reeves, Sandra  
Sargent, Maxwell  
Vaillancourt, Steve  
Withee, Dennis

Daniels, Gary  
Drabinowicz, A  
Fletcher, Richard  
Gagnon, Eugene  
Goley, Jeffrey  
Haley, Robert  
Herman, Richard  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
Lynde, Harold  
McCarty, Winston  
Melcher, Harold  
Milligan, Robert  
Murphy, Robert  
Pappas, Marc  
Reidy, Frank  
Tate, Joan  
Wall, Nancy

Dawe, Eileen  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Paul  
Gorman, Mary  
Hall, Betty  
Holley, Sylvia  
Keye, Harvey  
LaPorte, George  
Leonard, Peter  
MacGillivray, Jeffrey  
McDonald, James, Sr  
Mendenhall, Leslie  
Moran, Edward  
Nolan-Piteri, Dawn  
Pepino, Leo  
Rowe, Robert  
Thulander, O Alan  
White, Donald

### MERRIMACK

Anderson, Eric  
Crosby, Toni  
Fraser, Marilyn  
Hess, David  
Lavoie, Gerard  
Maxfield, Roy  
Poulin, Dave  
Virtue, Carolyn  
Yeaton, Charles

Asplund, Bronwyn  
Crowell, Peter  
French, Barbara  
Kennedy, Richard  
Leber, William  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Bouchard, Candace  
Feuerstein, Martin  
Gile, Mary  
Langer, Ray  
Marple, Richard  
Nichols, Avis  
Seldin, Gloria  
Whalley, Michael

Brewster, Richard  
Fortnam, Janet  
Hager, Elizabeth  
Larrabee, David, Sr  
Marshall, Kenneth  
Potter, Frances  
St Cyr, Gerard  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
Christie, Andrew, Jr  
Cote, Patricia  
Dowling, Patricia  
Flanagan, Natalie  
Griffin, Mary  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Morse, Charles  
Noyes, Richard  
Pantelakos, Laura  
Quandt, Marshall  
Ruffner, Walter  
Splaine, James  
Verani, Giovanni  
Weyler, Kenneth

Arndt, Janet  
Blanchard, MaryAnn  
Clark, Vivian  
Dalrymple, Janeen  
Downing, Michael  
Flanders, John, Sr  
Henderson, Warren  
Kane, Cecelia  
Langley, Jane  
McKinney, Betsy  
Norelli, Terie  
O'Keefe, Patricia  
Pitts, Jacqueline  
Rabideau, Marie  
Sapareto, Frank  
Stickney, Nancy  
Weare, Everett  
Whittier, John

Beaulieu, Jon  
Bridle, Russell  
Cooney, Richard  
Dearborn, Bruce  
Dunham, Vivian  
Francoeur, Sheila  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Mikowski, Walter  
Nowe, Mary Lou  
O'Neil, Michael  
Priestley, Anne  
Raynowska, Bernard  
Shelton, Richard  
Stritch, C Donald  
Weatherspoon, Jackie  
Zolla, William

Belanger, Ronald  
Case, Margaret  
Corbin, C David  
DiFruscia, Anthony  
Fesh, Robert  
Gleason, John  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Lovejoy, Marian  
Moore, Benjamin  
Nowe, Ronald  
Packard, Sherman  
Putnam, Ed, II  
Reardon, Neil  
Shultis, Elizabeth  
Varrell, Thomas  
Welch, David

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Grassie, Anne  
Lent, Donald

Bickford, David  
Cossette, Larry  
Johnson, Nancy  
Lundborn, Raymond

Brennan, William  
Domingo, Baldwin  
Kaen, Naida  
Musler, George

Brown, George  
Estabrook, Iris  
Knowles, William  
Pelletier, Arthur

Pelletier, Marsha  
Spear, Barbara  
Vincent, Francis

Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Smith, Marjorie  
Torr, Franklin  
Woods, Phyllis

Snyder, Clair  
Twardus, Joseph

### SULLIVAN

Allison, David  
Leone, Richard

Burling, Peter  
Phinizy, James

Cloutier, John  
Robb-Theroux, Amy

Kibbey, David  
Tuthill, John

### NAYS 35

### BELKNAP

Pilliod, James

### CARROLL

None

### CHESHIRE

Avery, Stephen

Manning, Joseph

Pratt, John

### COOS

None

### GRAFTON

Ham, Bonnie

Solow, Martha

### HILLSBOROUGH

Clemons, Jane  
Perkins, Paul

Dokmo, Cynthia  
Simon, Anthony

Dwyer, Paul, Sr

Franks, Suzan

### MERRIMACK

Daneault, Gabriel  
Rodd, Beth

Davis, Francis  
Wallin, Jean

Jacobson, Alf

Lockwood, Priscilla

### ROCKINGHAM

Dolan, Richard  
Langone, John

Gibbons, Paul  
Stone, Joseph

Grant, Kenneth  
Vaughn, Charles

Kohel, Rudolph

### STRAFFORD

Brown, Julie  
Keans, Sandra

DeChane, Marlene  
Rogers, Rose Marie

Dunlap, Patricia  
Spang, Judith

Gilmore, Gary

### SULLIVAN

Donovan, Thomas, Jr

Flint, Gordon, Sr

Jones, Constance

and the majority report was adopted.

Ordered to third reading.

Reps. Kobel, Manning and Rodd voted Nay and intended to vote Yea.

### REMOVED FROM THE TABLE

Rep. Burling moved that *HB 2-FN-A*, relative to state fees, funds, revenues and expenditures, be removed from the table. (Pending question: Ought to Pass with Amendment)

Rep. Buckley requested a roll call: sufficiently seconded.

### YEAS 194 NAYS 151

### YEAS 194

### BELKNAP

Millham, Alida

Pilliod, James

Wendelboe, Francine

Wood, Jane

**CARROLL**

Bradley, Jeb	Dickinson, Howard	MacDonald, Kenneth	Philbrick, Donald
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**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H Charles	Russell, Ronald	Zerba, Roger	

**COOS**

Davis, Perley	Hawkinson, Marie	Landers, Dana
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Johnson, Gary	Nordgren, Sharon	Scanlan, David	Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Burkush, James
Chabot, Robert	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Curran, James	Daigle, Robert	Dawe, Eileen
Drabinowicz, A	Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lozeau, Donnalee	Lynde, Harold	McCarthy, William
McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Moriarty, Mary	Murphy, Robert	O'Hearn, Jane
Perkins, Paul	Peterson, Andrew	Reidy, Frank	Sarette, John
Sargent, Maxwell	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Withe, Dennis		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Daneault, Gabriel	Davis, Francis
Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Cooney, Richard
Downing, Michael	Gibbons, Paul	Gleason, John	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langone, John	Lovejoy, Marian	Norelli, Terie
Nowe, Ronald	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Quandt, Marshall	Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Vaughn, Charles	Weatherspoon, Jackie	Weyler, Kenneth
Whittier, John			

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlenè	Domingo, Baldwin	Dunlap, Patricia



Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Rollo, Michael  
Spear, Barbara  
Vincent, Francis

Gilmore, Gary  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Wall, Janet

Grassie, Anne  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin

Johnson, Nancy  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Robb-Theroux, Amy

Burling, Peter  
Jones, Constance  
Tuthill, John

Cloutier, John  
Leone, Richard

Donovan, Thomas, Jr  
Phinizy, James

### NAYS 151

### BELKNAP

Boriso, Thomas  
Lawton, Robert  
Turner, Robert

Boyce, Robert  
Rice, Thomas

Johnson, James  
Rosen, Ralph

Lawton, David  
Thomas, John

### CARROLL

Babson, David, Jr  
Lyman, L Randy

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph

### CHESHIRE

Hunt, John

Roberts, William

Rose, William

Smith, Edwin

### COOS

Guay, Lawrence  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Weber, Phil

Alger, John  
Eaton, Stephanie  
Marshall, Gene

Brothers, Richard  
Gilman, G Michael  
Mirski, Paul

Cobb, John  
Hall, David  
Ward, Brien

### HILLSBOROUGH

Andrews, Frederick  
Brundige, Robert  
Christiansen, Lars  
Daniels, Gary  
Fenton, James  
Hansen, Herbert  
Kurk, Neal  
MacGillivray, Jeffrey  
Mercer, Robert  
Nolan-Piteri, Dawn  
Reeves, Sandra  
Wall, Nancy

Batula, Peter  
Bruno, Pierre  
Clegg, Robert, Jr  
Desmarais, Vivian  
Fletcher, Richard  
Herman, Keith  
L'Heureux, Robert  
Martel, Andre  
Milligan, Robert  
Ouellette, Dean  
Rowe, Robert  
White, Donald

Beaupre, Roland  
Calawa, Leon, Jr  
Coughlin, Pamela  
Desrosiers, William  
Flora, Kathleen  
Holley, Sylvia  
Leishman, Peter  
McCarty, Winston  
Moran, Edward  
Pappas, Marc  
Tate, Joan

Belvin, William  
Carlson, Donald  
Dalianis, Griffin  
Dokmo, Cynthia  
Goulet, Maurice  
Jean, Loren  
Lessard, Rudy  
McGough, Tim  
Mosher, William  
Pepino, Leo  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Leber, William  
Whittemore, James

Asplund, Bronwyn  
Langer, Ray  
Marple, Richard

Crowell, Peter  
Larrabee, David, Sr  
Nichols, Avis

Hess, David  
Lavoie, Gerard  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell

Beaulieu, Jon  
Christie, Andrew, Jr

Belanger, Ronald  
Clark, Vivian

Bishop, Franklin  
Corbin, C David

Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Grant, Kenneth
Griffin, Mary	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Major, Norman	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Morse, Charles	Nowe, Mary Lou	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed, II
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Ruffner, Walter
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Zolla, William

**STRAFFORD**

Bickford, David	Cossette, Larry	Musler, George	Woods, Phyllis
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**SULLIVAN**

Kibbey, David

and the motion was adopted.

Rep. Manning did not vote and wished to be recorded in favor.

Rep. Hager offered the Hager/Burling floor amendment (1856h).

**Floor Amendment (1856h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Intent. The purpose of this bill is to make those changes to the general laws necessary to effectuate the intent of the operating budget, but which are prohibited from being included in the operating budget by Part II, Article 18-a of the New Hampshire Constitution.

2 Additional Revenues; Department of Health and Human Services. Notwithstanding any provision of the law to the contrary, the legislative fiscal committee and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues, in excess of or in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following subcomponents: division of family assistance's food stamp administration, division for children, youth, and families' settlement program, division of family assistance's New Heights maintenance services, division for children, youth, and families' NH Bridges maintenance services, the office of program support, division of child support's New England Child Support Enforcement System maintenance services, and any other such subcomponent that requires deficit reduction or for which revenue has been specifically obtained.

3 Transfer of Funds by Division of Children, Youth, and Families, Department of Health and Human Services. Notwithstanding any other provision of law, the division for children, youth, and families, department of health and human services, may, with approval of the fiscal committee and the governor and council, transfer in each of the fiscal years 2000 and 2001 up to \$200,000 in funds which would otherwise lapse to the salary adjustment fund from class 10, personal services permanent in components 05, 01, 03, 02, 01 and 05, 01, 03, 03, 01 to class 91 training in component 05, 01, 03, 06, 00, to provide training for social workers and juvenile service officers.

4 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2001, provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

5 Transfer of Authority; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services may make transfers among any and all accounts and program appropriation units of the department of health and human services, with the exception of benefit appropriations which shall be limited to transfers between benefit appropriation accounts, as the commissioner shall deem necessary and appropriate to effect a reorganization of the department, address present or projected deficits, or respond to changes in federal laws, regulations, or programs and otherwise as necessary for the efficient management of the department. The commissioner may transfer not more than \$2,277,000

in general funds each year for the purpose of increasing salaries for direct care providers for persons with developmental and acquired disabilities. Applicable matching federal funds shall be accepted to the extent that they become available in accordance with section 2 of this act. The commissioner shall not execute a transfer without obtaining the approval of the legislative fiscal committee and the governor and council.

6 Department of Administrative Services; State Facility Energy Cost Reduction; Definitions; Energy Cost Saving Measure; Debt Service Extended. Amend RSA 21-I:19-b, I to read as follows:

I. "Energy cost saving measure" means any construction, improvement, repair, alteration, or betterment of any building or facility or any equipment, fixture, or furnishing to be added to or used in any building or facility that will be a cost effective energy-related project. This shall include any project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility and will achieve energy cost savings sufficient to recover any project costs or incurred debt service within [7] 10 years from the date of project implementation.

7 Department of Administrative Services; State Facility Energy Cost Reduction; Energy Performance Contracting; Contract Period Extended. Amend RSA 21-I:19-d, II(d)-(f) to read as follows:

(d) The term of any energy performance contract entered into pursuant to this section shall not exceed [7] 10 years.

(e) Any contract entered into shall contain the following annual allocation dependency clause: "The continuation of this contract is contingent upon the appropriation of funds to fulfill the requirements of the contract by the applicable funding authority. If that authority fails to appropriate sufficient funds to provide for the continuation of the contract, the contract shall terminate on the last day of the fiscal year for which allocations were made."

(f) Any energy performance contract should require the contractor to include all energy efficiency improvement in selected buildings that are calculated to recover all costs within [7] 10 years at existing energy prices. The contract shall require that the public utility or energy services provider be repaid solely from energy cost savings and only to the extent of energy cost savings. Repayments shall be interest-free.

8 Appropriation; Office of Energy and Community Services. The sum of \$5,147 for the fiscal year ending June 30, 1999, is hereby appropriated to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs as observed and disclosed in a financial audit of the office. This appropriation shall be in addition to any other sums appropriated to the governor's office of energy and community services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

9 Budget Surplus; Transfer to Education Trust Fund. Notwithstanding RSA 9:13-e, any general fund undesignated surplus for the fiscal year ending June 30, 1999 up to \$20,000,000 shall be transferred to the education trust fund established pursuant to RSA 198:39. Any general fund undesignated surplus in excess of \$20,000,000 shall be transferred according to RSA 9:13-e.

10 Addition to Personnel Group. Amend RSA 94:1-a by inserting in group N:

Warden, Northern New Hampshire Correctional Facility, department of corrections

11 Applicability of Salary Classifications. The warden of the Northern New Hampshire Correctional Facility (formerly the Berlin prison facility) on the effective date of this act shall become the unclassified warden at step 4 in group N.

12 Pease Development Authority Bonds; Comprehensive Development Plan Required; Bond Guarantee Amount Reduced. Amend RSA 12-G:27-b, I to read as follows:

I. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air Force Base prepared and submitted by the Pease development authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed [~~\$60,000,000~~] **\$35,000,000**, plus interest. The comprehensive development plan shall include the designation and delineation of a research district within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw [his] a warrant for such a sum out of any money in the treasury not otherwise appro-

priated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

---

State Treasurer

13 Repeal. RSA 12-G:27-b, II, relative to state guarantee of bank financing for Pease development plan, is repealed.

14 Rehiring; Laid-Off State Employees. The provisions of 1990, 261:1, as amended by 1991, 4:10 and 355:103, relative to rehiring of laid-off state employees, shall apply to any person laid-off between July 1, 1999, and June 30, 2001, as a result of any state law, regardless of the funding source for the person's position. The head of each department or agency shall submit the names and classification of individuals laid-off from July 1, 1999, to June 30, 2001, to the director of the division of personnel within 10 days of the layoff.

15 Labor; Public Employee Labor Relations; Bargaining by State Employees; Joint Committee on Employee Relations; Order of Members Changed; Member Added. RSA 273-A:9, V(a) is repealed and reenacted to read as follows:

(a) The joint committee on employee relations shall include the following members:

- (1) Speaker of the house of representatives.
- (2) President of the senate.
- (3) Majority leader of the senate.
- (4) Majority leader of the house of representatives.
- (5) Minority leader of the senate.
- (6) Minority leader of the house of representatives.
- (7) Senate finance committee chairperson.
- (8) House of representatives finance committee chairperson.
- (9) Senate capital budget committee chairperson.
- (10) House of representatives public works and highways committee chairperson.
- (11) Senate ways and means committee chairperson.
- (12) House of representatives finance committee vice chairperson.
- (13) House of representatives labor, industrial, and rehabilitative services committee chairperson.

(14) House of representatives labor, industrial, and rehabilitative services committee ranking minority member.

(15) Senate insurance committee chairperson.

(16) Senate insurance committee vice chairperson.

16 New Subparagraphs; Labor; Public Employee Labor Relations; Bargaining by State Employees; Joint Committee on Employee Relations; Alternates. Amend RSA 273-A:9, V by inserting after subparagraph (d) the following new subparagraphs:

(e) The president of the senate may appoint one or more alternates to serve on the joint committee on employee relations in the event that a senate member is unable to attend.

(f) The speaker of the house of representatives may appoint one or more alternates to serve on the joint committee on employee relations in the event that a house member is unable to attend.

17 Feasibility Study; Mutual Use of Coast Guard Facilities. The department of safety, division of safety services, the New Hampshire state port authority, and the fish and game department shall jointly prepare a study relative to the feasibility of an agreement for the mutual use of United States Coast Guard facilities. The division, the authority, and the department shall report their joint findings and any recommendations for executive or legislative action to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

18 Navigation Project Obligations; Report by Port Authority. The New Hampshire state port authority shall prepare a report relative to justifications for the United States Army Corps of Engineers to release the state from its obligation to dredge the Hampton-Seabrook Harbor under the 1964 agreement relative to the Navigation Project for the Improvement of Hampton Harbor, NH.

The authority shall report its findings and any recommendations for proposed executive or legislative action to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

19 Committee to Study the Protection of Waterfront Properties from Erosion.

I. Committee Established. There is established a committee to study the protection of waterfront properties from erosion.

II. Membership and Compensation.

(a) The members of the committee shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(2) Three members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study the potential establishment of joint state and local projects to protect from erosion selected waterfront properties along the seacoast and various rivers throughout the state. The committee shall examine options for sharing the cost of the design, engineering, and construction of such projects.

IV. Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

20 Route 93 Borrow-a-Lane Project; Appropriation. The sum of \$30,000 is appropriated for the fiscal year ending June 30, 2000, and the sum of \$30,000 is appropriated for the fiscal year ending June 30, 2001, to the department of transportation for the operation and maintenance of temporary southbound lanes on Route 93 in Concord and Bow which can be utilized on an as needed basis. This appropriation shall be a charge against the highway fund.

21 Interstate Cooperation; Reference Deleted. Amend RSA 421-B:31-a to read as follows:

421-B:31-a Interstate Cooperation. The secretary of state and ~~his~~ *the secretary of state's* staff shall maintain close relations with the securities and corporate administrators of other states and shall actively participate in the activities and affairs of the North American Security Administrators Association and other organizations so far as it will, in the secretary of state's judgment, enhance the purposes of the securities and corporate laws [and shall be exempt from the provisions of RSA 9:25]. The actual and necessary travel and related expenses incurred in attending meetings of said association, their committees, subcommittees, hearings, and other official activities, as well as the general expenses of participation in such associations, shall be a charge on available funds and the appropriation of the office of the secretary of state.

22 Repeal. RSA 9:25 and 9:26, relative to expenses for out-of-state trips by state officials or employees, are repealed.

23 Deputy Director of Motor Vehicles. Amend RSA 21-P by inserting after section 11 the following new section:

21-P:11-a Deputy Director of Motor Vehicles.

I. The commissioner of safety shall nominate a deputy director of motor vehicles for appointment by the governor, with the consent of the council. The deputy director of motor vehicles shall serve a term of 4 years, and may be reappointed. The deputy director of motor vehicles shall be qualified to hold that position by reason of education and experience.

II. The deputy director of motor vehicles shall perform such duties as are assigned by the director of motor vehicles. The deputy director of motor vehicles shall assume the duties of the director of motor vehicles in the event that the director of motor vehicles is unable for any reason to perform such duties.

III. The salary of the deputy director of motor vehicles shall be as specified in RSA 94:1-a.

24 Change of Title of Position. Amend 94:1-a, I, group N by deleting the director of enforcement, department of safety and inserting in place thereof the deputy director, division of motor vehicles, department of safety.

25 Classified Salaries; October 1, 1999. RSA 99:1-a is repealed and reenacted to read as follows: 99:1-a Salaries Established. The salary ranges for all classified state employees commencing October 1, 1999, shall be established as follows:

**October 1, 1999**

<b>SALARY GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
01	14,410.50	14,820.00	15,268.50	15,717.00	16,204.50
02	14,820.00	15,268.50	15,717.00	16,204.50	16,711.50
03	15,268.50	15,717.00	16,204.50	16,711.50	17,199.00
04	15,717.00	16,204.50	16,711.50	17,199.00	17,686.50
05	16,204.50	16,711.50	17,199.00	17,686.50	18,213.00
06	16,711.50	17,199.00	17,686.50	18,213.00	18,778.50
07	17,199.00	17,842.50	18,583.50	19,344.00	20,124.00
08	17,842.50	18,583.50	19,344.00	20,124.00	20,904.00
09	18,583.50	19,344.00	20,124.00	20,904.00	21,723.00
10	19,344.00	20,124.00	20,904.00	21,723.00	22,639.50
11	20,124.00	20,904.00	21,723.00	22,639.50	23,536.50
12	20,904.00	21,723.00	22,639.50	23,536.50	24,472.50
13	21,723.00	22,639.50	23,536.50	24,472.50	25,467.00
14	22,639.50	23,536.50	24,472.50	25,467.00	26,520.00
15	23,536.50	24,550.50	25,584.00	26,656.50	27,448.50
16	24,550.50	25,584.00	26,656.50	27,748.50	28,918.50
17	25,584.00	26,656.50	27,748.50	28,918.50	30,205.50
18	26,656.50	27,748.50	28,918.50	30,205.50	31,473.00
19	27,748.50	28,918.50	30,205.50	31,473.00	32,838.00
20	28,918.50	30,205.50	31,473.00	32,838.00	34,222.50
21	30,205.50	31,473.00	32,838.00	34,222.50	35,704.50
22	31,473.00	32,838.00	34,222.50	35,704.50	37,245.00
23	32,838.00	34,300.50	35,860.50	37,479.00	39,195.00
24	34,300.50	35,860.50	37,479.00	39,195.00	40,930.50
25	35,860.50	37,479.00	39,195.00	40,930.50	42,763.50
26	37,479.00	39,195.00	40,930.50	42,763.50	44,713.50
27	39,195.00	40,930.50	42,736.50	44,713.50	46,722.00
28	40,930.50	42,763.50	44,713.50	46,722.00	48,828.00
29	42,763.50	44,713.50	46,722.00	48,828.00	51,012.00
30	44,713.50	46,722.00	48,828.00	51,012.00	53,332.50
31	46,722.00	48,945.00	51,304.50	53,644.50	56,238.00
32	48,945.00	51,304.50	53,644.50	56,238.00	58,929.00
33	51,304.50	53,644.50	56,238.00	58,929.00	61,698.00
34	53,644.50	56,238.00	58,929.00	61,698.00	64,662.00

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

26 Classified Salaries; October 1, 2000. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified employees commencing October 1, 2000 shall be established as follows:

**October 1, 2000**

<b>SALARY GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
01	14,839.50	15,268.50	15,717.00	16,185.00	16,692.00
02	15,268.50	15,717.00	16,185.00	16,692.00	17,218.50
03	15,717.00	16,185.00	16,692.00	17,218.50	17,706.00
04	16,185.00	16,692.00	17,218.50	17,706.00	18,213.00
05	16,692.00	17,218.50	17,706.00	18,213.00	18,759.00

**October 1, 2000****SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
06	17,218.50	17,706.00	18,213.00	18,759.00	19,344.00
07	17,706.00	18,369.00	19,149.00	19,929.00	20,728.50
08	18,369.00	19,149.00	19,929.00	20,728.50	21,528.00
09	19,149.00	19,929.00	20,728.50	21,528.00	22,366.50
10	19,929.00	20,728.50	21,528.00	22,366.50	23,322.00
11	20,728.50	21,528.00	22,366.50	23,322.00	24,238.50
12	21,528.00	22,366.50	23,322.00	24,238.50	25,213.50
13	22,366.50	23,322.00	24,238.50	25,213.50	26,227.50
14	23,322.00	24,238.50	25,213.50	26,227.50	27,319.50
15	24,238.50	25,291.50	26,344.50	27,456.00	28,587.00
16	25,291.50	26,344.50	27,456.00	28,587.00	29,776.50
17	26,344.50	27,456.00	28,587.00	29,776.50	31,102.50
18	27,456.00	28,587.00	29,776.50	31,102.50	32,409.00
19	28,587.00	29,776.50	31,102.50	32,409.00	33,832.50
20	29,776.50	31,102.50	32,409.00	33,832.50	35,256.00
21	31,102.50	32,409.00	33,832.50	35,256.00	36,777.00
22	32,409.00	33,832.50	35,256.00	36,777.00	38,356.50
23	33,832.50	35,334.00	36,933.00	38,610.00	40,365.00
24	35,334.00	36,933.00	38,610.00	40,365.00	42,159.00
25	36,933.00	38,610.00	40,365.00	42,159.00	44,050.50
26	38,610.00	40,365.00	42,159.00	44,050.50	46,059.00
27	40,365.00	42,159.00	44,050.50	46,059.00	48,126.00
28	42,159.00	44,050.50	46,059.00	48,126.00	50,290.50
29	44,050.50	46,059.00	48,126.00	50,290.50	52,533.00
30	46,059.00	48,126.00	50,290.50	52,533.00	54,931.50
31	48,126.00	50,407.50	52,845.00	55,263.00	57,934.50
32	50,407.50	52,845.00	55,263.00	57,934.50	60,703.50
33	52,845.00	55,263.00	57,934.50	60,703.50	63,550.50
34	55,263.00	57,934.50	60,703.50	63,550.50	66,592.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

27 Salaries Established; Law Enforcement Employees; January 1, 2000. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; Law Enforcement Employees. The salary ranges for law enforcement employees commencing January 1, 2000, shall be established as follows:

**January 1, 2000****SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
01	19,355.70	19,920.42	20,511.66	21,129.68	21,774.22
02	19,920.42	20,511.66	21,129.68	21,774.22	22,467.90
03	20,511.66	21,129.68	21,774.22	22,467.90	23,110.36
04	21,129.68	21,774.22	22,467.90	23,110.36	23,779.34
05	21,774.22	22,467.90	23,110.36	23,779.34	24,470.68
06	22,567.90	23,110.36	23,779.34	24,470.68	25,242.10
07	23,110.36	23,959.52	24,959.74	25,989.08	27,042.86
08	23,959.52	24,959.74	25,989.08	27,042.86	28,096.38
09	24,959.74	25,989.08	27,042.86	28,096.38	29,203.46
10	25,989.08	27,042.86	28,096.38	29,203.46	30,410.64
11	27,042.86	28,096.38	29,203.46	30,410.64	31,646.68
12	28,096.38	29,203.46	30,410.64	31,646.68	32,880.38

**January 1, 2000****SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
13	29,203.46	30,410.64	31,646.68	32,880.38	34,216.52
14	30,410.64	31,646.68	32,880.38	34,216.52	35,630.14
15	31,646.68	32,982.56	34,396.44	35,810.32	37,299.60
16	32,982.56	34,396.44	35,810.32	37,299.60	38,869.22
17	34,396.44	35,810.32	37,299.60	38,869.22	40,591.98
18	35,810.32	37,299.60	38,869.22	40,591.98	42,288.22
19	37,299.60	38,869.22	40,591.98	42,288.22	44,137.60
20	38,869.22	40,591.98	42,288.22	44,137.60	45,991.66
21	40,591.98	42,288.22	44,137.60	45,991.66	47,996.78
22	42,288.22	44,137.60	45,991.66	47,996.78	50,053.12
23	44,137.60	46,093.84	48,176.96	50,362.00	52,673.92
24	46,093.84	48,176.96	50,362.00	52,673.92	55,014.70
25	48,176.96	50,362.00	52,673.92	55,014.70	57,457.92
26	50,362.00	52,673.92	55,014.70	57,457.92	60,078.72
27	52,673.92	55,014.70	57,457.92	60,078.72	62,779.86
28	55,014.70	57,457.92	60,078.72	62,779.86	65,631.80
29	57,457.92	60,078.72	62,779.86	65,631.80	68,564.08
30	60,078.72	62,779.86	65,631.80	68,564.08	71,671.86
31	62,779.86	65,785.20	68,948.62	72,109.70	75,582.00
32	65,785.20	68,948.62	72,109.70	75,582.00	79,207.70
33	68,948.62	72,109.70	75,582.00	79,207.70	82,933.50
34	72,109.70	75,582.00	79,207.70	82,933.50	86,894.86

28 Salaries Established; Law Enforcement Employees; January 1, 2001. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; Law Enforcement Employees. The salary ranges for law enforcement employees commencing January 1, 2001, shall be established as follows:

**January 1, 2001****SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
01	19,935.76	20,516.08	21,125.26	21,763.30	22,425.52
02	20,516.08	21,125.26	21,763.30	22,425.52	23,141.56
03	21,125.26	21,763.30	22,425.52	23,141.56	23,801.70
04	21,763.30	22,425.52	23,141.56	23,801.70	24,490.70
05	22,425.52	23,141.56	23,801.70	24,490.70	25,204.40
06	23,141.56	23,801.70	24,490.70	25,204.40	25,997.92
07	23,801.70	24,677.64	25,706.72	26,767.26	27,851.98
08	24,677.64	25,706.72	26,767.26	27,851.98	28,939.04
09	25,706.72	26,767.26	27,851.98	28,939.04	30,079.40
10	26,767.26	27,851.98	28,939.04	30,079.40	31,322.20
11	27,851.98	28,939.04	30,079.40	31,322.20	32,595.94
12	28,939.04	30,079.40	31,322.20	32,595.94	33,865.26
13	30,079.40	31,322.20	32,595.94	33,865.26	35,241.18
14	31,322.20	32,595.94	33,865.26	35,241.18	36,697.18
15	32,595.94	33,971.86	35,427.86	36,884.12	38,417.86
16	33,971.86	35,427.86	36,884.12	38,417.86	40,034.02
17	35,427.86	36,884.12	38,417.86	40,034.02	41,808.00
18	36,884.12	38,417.86	40,034.02	41,808.00	43,555.20
19	38,417.86	40,034.02	41,808.00	43,555.20	45,460.48
20	40,034.02	41,808.00	43,555.20	45,460.48	47,369.92
21	41,808.00	43,555.20	45,460.48	47,369.92	49,435.10
22	43,555.20	45,460.48	47,369.92	49,435.10	51,553.58
23	45,460.48	47,476.52	49,621.78	51,871.56	54,252.38
24	47,476.52	49,621.78	51,871.56	54,252.38	56,664.40
25	49,621.78	51,871.56	54,252.38	56,664.40	59,180.68



**January 1, 2000****SALARY**

<b>GRADE</b>	<b>MINIMUM</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>MAXIMUM</b>
26	51,871.56	54,252.38	56,664.40	59,180.68	61,879.48
27	54,252.38	56,664.40	59,180.68	61,879.48	64,662.52
28	56,664.40	59,180.68	61,879.48	64,662.52	67,599.22
29	59,180.68	61,879.48	64,662.52	67,599.22	70,620.16
30	61,879.48	64,662.52	67,599.22	70,620.16	73,821.28
31	64,662.52	67,757.04	71,015.88	74,272.64	77,849.46
32	67,757.04	71,015.88	74,272.64	77,849.46	81,581.76
33	71,015.88	74,272.64	77,849.46	81,581.76	85,420.92
34	74,272.64	77,849.46	81,581.76	85,420.92	89,500.32

29 Unclassified Salaries; October 1, 1999. The introductory paragraph of RSA 94:1-a, I is repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on October 1, 1999:

30 Unclassified Salaries; Salary Ranges for Groups; October 1, 1999. Amend RSA 94:1-a, I by replacing the salary ranges for each group with the following:

Group I	\$26,662	\$39,969
Group J	\$31,089	\$44,403
Group K	\$35,513	\$48,855
Group L	\$39,973	\$53,288
Group M	\$44,408	\$57,723
Group N	\$48,858	\$62,171
Group O	\$51,079	\$65,508
Group P	\$57,725	\$74,372
Group Q	\$59,958	\$76,612
Group R	\$62,175	\$78,827
Group S	\$64,394	\$81,046
Group T		\$83,256
Group U		\$113,004
Group V		\$88,810
Group W		\$93,263

31 Unclassified Salaries; October 1, 2000. The introductory paragraph of RSA 94:1-a, I is repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on October 1, 2000:

32 Unclassified Salaries; Salary Ranges for Groups; October 1, 2000. Amend RSA 94:1-a, I by replacing the salary ranges for each group with the following:

Group I	\$27,461	\$41,168
Group J	\$32,021	\$45,735
Group K	\$36,578	\$50,320
Group L	\$41,172	\$54,886
Group M	\$45,740	\$59,454
Group N	\$50,323	\$64,036
Group O	\$52,611	\$67,473
Group P	\$59,456	\$76,603
Group Q	\$61,756	\$78,910
Group R	\$64,040	\$81,191
Group S	\$66,325	\$83,477
Group T		\$85,753
Group U		\$116,394
Group V		\$91,474
Group W		\$96,060

33 Salary Wages for Councilors and Commissioners; October 1, 1999. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing

October 1, 1999:	Minimum	Maximum
Governor's councilors		\$11,098
Pari-mutuel commissioners		\$ 8,415
Sweepstakes commission, chairman		\$12,627
Sweepstakes commission, members		\$ 6,734

34 Salary Wages for Councilors and Commissioners; October 1, 2000. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing

October 1, 2000:	Minimum	Maximum
Governor's councilors		\$11,430
Pari-mutuel commissioners		\$ 8,667
Sweepstakes commission, chairman		\$13,005
Sweepstakes commission, members		\$ 6,936

35 Classified Increases; October 1, 1999. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Classified employees of the state as of October 1, 1999, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

36 Classified Increases; October 1, 2000. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Classified employees of the state as of October 1, 2000, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

37 Judicial Salaries; October 1, 1999. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$106,649
Associate justices, supreme court	\$103,416
Chief justice, superior court	\$103,416
Associate justices, superior court	\$ 96,952
District court justices prohibited from practice pursuant to RSA 502-A:21	\$ 96,952
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$ 96,952

38 Judicial Salaries; October 1, 2000. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$109,848
Associate justices, supreme court	\$106,518
Chief justice, superior court	\$106,518
Associate justices, superior court	\$ 99,861
District court justices prohibited from practice pursuant to RSA 502-A:21	\$ 99,861
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$ 99,861

39 Judicial Employees; October 1, 1999. All judicial employees shall receive 3 percent salary increases on October 1, 1999.

40 Judicial Employees; October 1, 2000. All judicial employees shall receive 3 percent salary increases on October 1, 2000.

41 Legislative Employees; October 1, 1999. Legislative employees shall receive 3 percent salary increases effective October 1, 1999, if such increases are approved by the appointing authority.

42 Legislative Employees; October 1, 2000. Legislative employees shall receive 3 percent salary increases effective October 1, 2000, if such increases are approved by the appointing authority.

43 Changes in Salary Groups. Any classified employee whose position was changed from one salary group to a lower paying salary group, during the 1999 legislative session, shall continue to receive the salary and scheduled raises of the higher paying salary group so long as such employee is employed in such position.

44 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 26-44 of this act for the fiscal years ending June 30, 2000 and June 30, 2001:

FY 2000						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$10,298,116	\$ 5,548,154	\$1,198,189	\$2,225,208	\$235,358	\$128,377	\$ 962,830
FY 2001						
All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$24,243,747	\$13,024,483	\$2,761,220	\$5,381,480	\$561,883	\$295,845	\$2,218,836

The governor is authorized to draw a warrant for said sums out of the appropriate funds.

45 Effective Date.

I. Section 8 of this act shall take effect upon its passage

II. Sections 15-19, 21, and 22 of this act shall take effect 60 days after its passage.

III. Sections 25, 27, 29, 30, 33, 35, 37, 39, and 41 shall take effect October 1, 1999.

IV. Sections 26, 28, 31, 32, 34, 36, 38, 40, and 42 shall take effect October 1, 2000.

V. The remainder of this act shall take effect July 1, 1999.

### AMENDED ANALYSIS

This bill:

I. Enables additional revenues to be made available for certain health and human services programs.

II. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.

III. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

IV. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.

V. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.

VI. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.

VII. Transfers up to \$20,000,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.

VIII. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.

IX. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.

X. Grants laid-off state employees certain rights with regard to rehiring.

XI. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the speaker of the house and the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.

XII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

XIII. Establishes a committee to study the protection of waterfront properties from erosion.

XIV. Makes an appropriation to the department of transportation for the borrow-a-lane project.

XV. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

XVI. Establishes the position of deputy director of motor vehicles.

XVII. Grants pay raises to state employees, judicial employees, and legislative employees.

Rep. Hager spoke in favor and yielded to questions.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being the adoption of the Hager/Burling floor amendment (1856h).

**YEAS 187 NAYS 161****YEAS 187****BELKNAP**

Millham, Alida	Pilliod, James	Wood, Jane
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**CARROLL**

Bradley, Jeb	Dickinson, Howard	Mock, Henry	Philbrick, Donald
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**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

**COOS**

Davis, Perley	Hawkinson, Marie	Landers, Dana	Mears, Edgar
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Johnson, Gary	Nordgren, Sharon	Scanlan, David	Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Bergin, Peter	Buckley, Raymond	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A	Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Herman, Richard
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
LaPorte, George	Lasky, Bette	Leishman, Peter	Leonard, Peter
Lynde, Harold	McCarthy, William	McDonald, James, Sr	McDonough-Wallace, Alice
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary
Murphy, Robert	Perkins, Paul	Peterson, Andrew	Reidy, Frank
Sarette, John	Sargent, Maxwell	Simon, Anthony	Turgeon, Roland
Vaillancourt, Steve	White, John		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Lockwood, Priscilla
Marshall, Kenneth	Moore, Carol	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Case, Margaret
Cooney, Richard	Downing, Michael	Gibbons, Paul	Gleason, John
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Langone, John	Lovejoy, Marian	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Sapareto, Frank	Shelton, Richard
Shultis, Elizabeth	Spaine, James	Vaughn, Charles	Weatherspoon, Jackie
Weyler, Kenneth			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Twardus, Joseph	Vincent, Francis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John		

**NAYS 161****BELKNAP**

Boriso, Thomas	Boyce, Robert	Johnson, James	Lawton, David
Lawton, Robert	Rice, Thomas	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Babson, David, Jr	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	MacDonald, Kenneth	Patten, Betsey	

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	Marshall, Gene	Mirski, Paul	Ward, Brien
Weber, Phil			

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Fenton, James	Fletcher, Richard	Flora, Kathleen	Gagnon, Eugene
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McGough, Tim	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Rowe, Robert	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		

**MERRIMACK**

Anderson, Eric  
Jacobson, Alf  
Lavoie, Gerard  
Nichols, Avis

Asplund, Bronwyn  
Kennedy, Richard  
Leber, William  
Whalley, Michael

Crowell, Peter  
Langer, Ray  
Marple, Richard

Hess, David  
Larrabee, David, Sr  
Maxfield, Roy

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
Dearborn, Bruce  
Dunham, Vivian  
Francoeur, Sheila  
Hutchinson, Karen  
Langley, Jane  
Moore, Benjamin  
Noyes, Richard  
Putnam, Ed, II  
Reardon, Neil  
Stritch, C Donald  
Welch, David

Beaulieu, Jon  
Corbin, C David  
DiFruscia, Anthony  
Fesh, Robert  
Grant, Kenneth  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas  
Whittier, John

Belanger, Ronald  
Cote, Patricia  
Dolan, Richard  
Flanagan, Natalie  
Griffin, Mary  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie  
Stickney, Nancy  
Verani, Giovanni  
Zolla, William

Bishop, Franklin  
Dalrymple, Janeen  
Dowling, Patricia  
Flanders, John, Sr  
Henderson, Warren  
Kobel, Rudolph  
Mikowski, Walter  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard  
Stone, Joseph  
Weare, Everett

**STRAFFORD**

Cossette, Larry

McKinley, Robert

Musler, George

Woods, Phyllis

**SULLIVAN**

Kibbey, David

and the Hager/Burling floor amendment (1856h) was adopted.  
Rep. Sapareto offered a floor amendment (1833h).

**Floor Amendment (1833h)**

Amend the bill by inserting after section 45 the following and renumbering the original section 46 to read as 56:

46 New Chapter; Statewide Education Property Tax. Amend RSA by inserting after chapter 76 the following new chapter:

**CHAPTER 76-A****STATEWIDE EDUCATION PROPERTY TAX**

76-A:1 Definitions. In this chapter:

I. "Assessing official" means the assessing authority of any town, city, or place.

II. "Claimant" means a person who:

(a) Has filed a claim with a municipality for reduction in such claimant's property taxes under this chapter; and

(b) During the 3 fiscal years preceding the year in which the person files a claim for relief under this chapter:

(1) Has had an ownership interest in a homestead and was domiciled in the homestead upon which education property taxes have accrued and for which the person is making a claim for tax relief from the statewide education property tax in this state; and

(2) Was not a full-time student claimed as a dependent by any taxpayer under the United States Internal Revenue Code.

III. "Commissioner" means the commissioner of the department of revenue administration.

IV. "Consumer price index" means the most recent available consumer price index for the Boston metropolitan area published by the United States Department of Labor.

V. "Department" means the department of revenue administration.

VI. "Education property taxes" means the sum of the statewide education property tax under this chapter and the education portion of property taxes assessed by a municipality.

VII. "Equalized assessed value" or "equalized assessed valuation" means the modified assessed valuation of property equalized by the commissioner pursuant to RSA 21-J:3, XIII. In this paragraph, "modified assessed valuation" means the sum of the assessments of taxable property in a municipality less the statutory exemptions provided in RSA 72:12-a, 72:12-b, 72:37, 72:39-a, and 72:39-b. "Modified assessed valuation" shall not include optional exemptions provided in RSA 72:37-b, 72:62, 72:66, and 72:70.

VIII.(a) "Excess education property taxes" means the sum of:

(1) The product of the state education rate determined by the commissioner pursuant to RSA 76-A:2 multiplied by the equalized value of qualifying homesteads not exceeding \$100,000 and exclusive of special assessments not including current use, delinquent interest and charges for service, levied as of April 1 on a claimant's homestead in this state; and

(2) The amount of the education portion of property taxes assessed by the claimant's municipality levied as of April 1 on a claimant's homestead in this state; which is in excess of 10 percent of a claimant's household income for the calendar year preceding the tax year of the excess education property tax claim.

(b) In this paragraph, "equalized assessed value of qualifying homesteads" means the local assessed value of the homestead equalized by applying the equalization ratio for the municipality, as determined by the commissioner pursuant to RSA 21-J:3, XIII, for the year of the claim.

(c) A qualifying homestead is the first \$100,000 of equalized value of a homestead. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common, and one or more persons or entities are not members of the claimant's household, "excess education property taxes" applies to that part of statewide education property taxes levied on the homestead which reflects the ownership percentage of the claimant and the claimant's household. If a homestead is an integral part of a larger unit such as a multi-dwelling building, the statewide education property taxes shall be that percentage of the total education property taxes accrued as the total inhabitable area of the claimant's dwelling is of the total inhabitable area of the building. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part.

IX.(a) "Homestead" means the dwelling owned by a claimant which is used as the claimant's principal place of residence for not less than 240 days in a calendar year and includes the following:

(1) The land upon which the dwelling stands;

(2) Visual and ordinary appurtenant structures such as but not limited to garages, wood sheds, barns, and other out buildings;

(3) The land upon which such appurtenant structures stand;

(4) Land contiguous to such dwelling and appurtenant structures that is groomed and maintained around them; and

(5) Land necessary to the support and service of the dwelling such as but not limited to driveways and maintained rights-of-way for purposes of ingress and egress to the dwelling.

(b) A homestead may consist of a part of a multi-unit dwelling and its proportionate share of the land upon which it stands and other ordinary appurtenant common facilities.

(c) In this paragraph the term "owned" includes a vendee in possession under a land contract and one or more joint tenants or tenants in common.

(d) "Homestead" shall not include personal property such as furniture, furnishings or appliances, or structures.

(e) Manufactured housing may be a homestead.

X. "Household income" means federal adjusted gross income as defined in the United States Internal Revenue Code.

XI. "Municipality" means a city, town, or place.

XII. "Statewide education property tax" means a tax levied at an equal and uniform rate on the equalized assessed valuation of property.

XIII. "Tax collector" means the appointed or elected collector of taxes for a municipality.

XIV. "United States Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended, without the rules, regulations, forms, and procedures of the United States Internal Revenue Service. The rules, regulations, forms and procedures of the United States Internal Revenue Service may, however, be used by the commissioner of revenue administration in formulating rules for adoption under RSA 541-A. This definition shall be operative unless and until a specific statutory exception to its adoption is provided in this chapter, or until the application of one of its provisions is held to violate the New Hampshire constitution.

**76-A:2 Statewide Education Property Tax Established.**

I. A statewide education property tax is levied annually on all taxable real estate in the state, except property subject to the tax under RSA 82 and RSA 83-F, to compensate each municipality, on an equal per pupil basis by grade, for its costs in the preceding school year to:

(a) Provide a constitutionally adequate education pursuant to part 2, article 83 of the New Hampshire constitution.

(b) Compensate each municipality on an equal per pupil basis for kindergarten where provided in the last completed school year or where provided in the current school year and not in the last completed school year.

(c) Provide additional grants to certain qualifying municipalities whose tax effort per pupil exceeds an equalized rate of \$5.

II. Valuation of the property for the purpose of apportionment and setting the equalized state education rate shall be determined by equalized assessed valuation as prepared annually by the department.

III. The total amount to be raised, each year, shall be the sum calculated pursuant to RSA 198:40, 40-a, 40-b, and 41.

IV. The rate shall be established by the commissioner of revenue administration each year based on the equalized state education rate required to raise the total amount in RSA 76-A:2, III. The commissioner shall report to the legislature on or before December 1 of each year.

76-A:3 Apportionment. The commissioner, before December 15 of every year, shall apportion the amount to be raised by each municipality according to its proportion of the equalized assessed valuation of the state from the most recently available equalization survey. The commissioner shall report the amounts assessed against each municipality to the state treasurer and to each municipality.

76-A:4 Time of Assessment and Payment. The statewide education property tax shall be deemed assessed on April 1 in each year and is payable on demand to the education trust fund on or after said date.

76-A:5 Collection. The assessing officials for each municipality shall make a list of all statewide education property taxes by them assessed against property under their hands and seals to the tax collector, directing the tax collector to collect the statewide education property taxes along with other property taxes. It shall be listed as a separate line on the single municipal property tax bill. Upon application by the assessing officials, the commissioner for good cause may extend the time for delivery of the statewide education property tax warrant.

76-A:6 Remedies for Collection. The statewide education property tax may be collected by all of the means and methods provided for the collection of property taxes under RSA 80.

76-A:7 Interest and Charges for Nonpayment. Nonpayment of the statewide education property tax shall incur the same charges and interest accruing to municipalities as are imposed by law for nonpayment of property taxes.

76-A:8 Liability of Cities and Towns. Each municipality shall be liable to the state for all statewide education property taxes lawfully assessed in such municipality.

76-A:9 Payment to State. Each municipality shall cause its tax collector to certify such information as the state treasurer shall require, and shall cause its treasurer to pay over to the state treasurer, less any payments due from the state treasurer or which would be due to the state treasurer attributable to this chapter, 25 percent, of the assessed statewide property taxes on each of the following dates: July 1, October 1, January 1, and April 1.

76-A:10 Failure to Make Payment. If any municipality fails to make payments as provided in this chapter:

I. The state treasurer shall withhold an amount equal to any unremitted statewide education property taxes for which the municipality is liable, from any amounts payable by the state to such municipality. The state treasurer shall not pay to any municipality any amounts that may be due it from the state until all payments of statewide education property tax as due have been paid; and

II. The commissioner shall penalize the municipality for an amount which is twice the amount owed by the municipality under this chapter.

76-A:11 Extents. The state treasurer may also issue an extent for the amounts of all statewide education property taxes not remitted by any municipality as provided in this chapter.

76-A:12 Supplementary Bond of Collector. Whenever the commissioner considers it necessary, a tax collector may be required to furnish a further and additional bond beyond that required by other provisions of law, with sureties, in such form and amount as the commissioner approves. The additional premium costs shall be paid by the state from the education trust fund established by RSA 198:39.



76-A:13 Disposition of Taxes. All funds received by the state treasurer under the provisions of this chapter shall be deposited in the education trust fund established by RSA 198:39.

Statewide Education Property Tax Relief

76-A:14 Claims for Statewide Education Property Tax Relief.

I.(a) A claimant shall be entitled to make claim to the taxing municipality for statewide education property tax relief equal to the excess education property taxes as levied under this chapter on the first \$100,000 of equalized valuation of the claimants homestead. Such claims shall not exceed \$2,250 per claimant during any calendar year. A claimant shall not be entitled to any statewide education property tax relief if there are no excess education property taxes or for any excess education property taxes which accrued prior to January 1 of the preceding calendar year.

(b) No claim with respect to relief by a claimant under this subdivision shall be allowed unless the claim is filed with the municipality by March 1 following the date of notice of tax as defined in RSA 72:1-d. The municipality shall include all necessary forms for filing as provided by the department in the first bill.

II. No interest shall be allowed on any relief to which a claimant may be entitled under this subdivision.

76-A:15 Rebate to Claimant. Within 30 days of receipt of a claim, the municipality shall reduce the claimant's tax bill by the qualifying excess education property taxes. Where more than one tax bill is issued by the municipality, the excess education property taxes shall be divided proportionally between the bills. Timely payment to the municipality of net taxes by the claimant is not required to receive the tax reduction under this chapter.

76-A:16 Reports of Claims. Municipalities shall report to the department by April 1 of each year on the total amount of rebates made under RSA 76-A:15. By April 15 of each year, the department shall report to the state treasurer the total amount of rebates made by each municipality under RSA 76-A:15.

76-A:17 Reimbursement to Municipalities for Claims. Within 30 days of receipt of the report by the department required under RSA 76-A:16, the state treasurer shall reimburse municipalities for the total of qualified claims received under RSA 76-A:15. Such payments shall be charged against the education trust fund established in RSA 198:39.

76-A:18 One Claimant Per Household. Only one claimant per household per year shall be entitled to relief under this subdivision.

76-A:19 Claim is Personal. The right to file a claim under this subdivision shall be personal to the claimant. The right to file a claim under this subdivision shall survive the claimant's death to the extent that this right may be exercised on behalf of a claimant by a legal guardian, attorney, spouse, or another person who could have qualified as the claimant had the decedent not filed.

76-A:20 Administration; Rulemaking.

I. This subdivision shall be administered and enforced by the department.

II. The department shall adopt rules, pursuant to RSA 541-A, necessary to administer and enforce this subdivision.

76-A:21 Forms for Claim.

I. The commissioner of revenue administration shall make available to municipalities suitable forms with instructions for claimants. Such forms may require claimants to provide all information reasonably necessary to determining the accuracy of claims, including, but not limited to, property taxes accrued, changes of homestead, household membership, household income, size and nature of property claimed as the homestead, and a statement that the property taxes have been or will be paid by the claimant.

II. Municipalities shall make such forms available to claimants.

76-A:22 Verification of Claim; Redetermination.

I. If a municipality has reason to suspect the accuracy of a claim, the municipality may request that the department verify the household income of the claimant.

II. Upon receipt of such income verification from the department, the municipality may redetermine the claim and assess and collect, in the same manner as provided for property taxes under RSA 80, any amount of such claim in excess of the predetermined amount.

76-A:23 Fraudulent Claims; Penalty. A person shall be guilty of a class A misdemeanor who:

I. Files a fraudulent claim.

II. With fraudulent intent, assisted in the preparation or filing of the fraudulent claim or supplied information upon which the fraudulent claim was prepared.

76-A:24 Appeals. Any person aggrieved by the denial in whole or in part of a claim under this subdivision, except when the denial is based upon late filing of claim, may appeal the denial to the board of tax and land appeals or to the superior court in the county in which the person resides by filing a petition within 30 days after such denial. Procedures for an appeal of a denial of a claim shall be the same as the procedures for an appeal of a denial of an abatement of property tax under RSA 76:16-a-76:17.

76-A:25 Claim Applied Against Outstanding Liabilities. The amount of any claim otherwise payable under this subdivision may be applied by the municipality against any liability outstanding against the claimant or against anyone who was a member of the household in the taxable year to which the claim relates.

47 Education Trust Fund. Amend RSA 6:12, I(www) to read as follows:

(www) Money received under **RSA 76-A, RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, RSA 198:46**, and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

48 Rate of Utility Property Tax Increased. Amend RSA 83-F:2 to read as follows:

83-F:2 Tax Imposed. For taxable periods beginning April 1, 1999, a tax is imposed upon the value of utility property at the rate ~~[of \$6.60]~~ **established by the commissioner under RSA 76-A:2, IV** on each \$1000 of such value, to be assessed annually as of April 1, and every year thereafter, and paid in accordance with this chapter.

49 Utility Property; Exemption. Amend RSA 83-F:9 to read as follows:

83-F:9 Exemption from ~~[Local Taxation]~~ **Statewide Education Property Tax**. Persons and property subject to taxation under this chapter shall not be subject to tax under RSA ~~[76:3]~~ **76-A**; provided, however, that nothing in this chapter shall be construed to exempt such persons or property from local school, municipal, district, or county taxation under RSA 76.

50 New Paragraph; Definition; Tax Effort Per Pupil. Amend RSA 198:38 by inserting after paragraph XI the following new paragraph:

XII. "Tax effort per pupil" means the equalized education tax rate for a municipality based on equalized assessed valuation that is required to raise \$1,000 per pupil above that provided by the adequate education grant in this subdivision and other non-municipal sources. Pupil counts are based on the average daily membership in residences, as defined in paragraph X.

51 Payments to Cap Tax Effort Per Pupil Added. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42 **and make payments to municipalities to cap their tax effort per pupil under this subdivision**. The state treasurer shall deposit into this fund immediately upon receipt:

52 New Subparagraph; Education Trust Fund. Amend RSA 198:39, I by inserting after subparagraph (k) the following new subparagraph:

(l) The full amount of the statewide property tax under RSA 76-A.

53 New Sections; Supplemental Distributions Per Pupil. Amend RSA 198 by inserting after section 40 the following new sections:

198:40-a Determination of the Maximum Tax Effort Per Pupil. The maximum tax effort per pupil is set at the equalized rate of \$5 using the latest available equalization survey for equalized value.

198:40-b Supplemental Distributions to Cap Tax Effort per Pupil. Any municipality for which there is a dollar amount needed to reduce the municipality's tax effort per pupil to an equalized rate of \$5 for education spending greater than provided by the education trust fund and all other non-municipal sources for the last completed school year for any fiscal year shall be entitled to a quarterly supplemental distribution over the next school year equal to that amount which would have reduced the municipality's tax effort per pupil, in the immediately preceding tax year, as defined in RSA 198:38, XII, to a rate of \$5 based on equalized assessed valuation. Such supplemental distributions shall be distributed in the same manner as adequate education grants under RSA 198:42.

54 New Section; Use of Funds. Amend RSA 198 by inserting after section 43 the following new section:

198:43-a Use of Funds.

I. Municipalities shall apply the entire amount of aid received under RSA 198:42 to education. On or before June 30 of each year, the individual with fiscal responsibility in each municipal-

ity shall submit a statement to the commissioner of education that the adequate education grant received under RSA 198:42 was applied entirely to education. The statement shall include the following: *"I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete."*

55 Repeal. RSA 76:3, relative to the education property tax, is repealed.

### AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of the department of health and human services to implement a pharmaceutical purchasing initiative.

II. Enables additional revenues to be made available for certain health and human services programs.

III. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.

IV. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

V. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.

VI. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.

VII. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.

VIII. Transfers up to \$20,000,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.

IX. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.

X. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.

XI. Grants laid-off state employees certain rights with regard to rehiring.

XII. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the speaker of the house and the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.

XIII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

XIV. Establishes a committee to study the protection of waterfront properties from erosion.

XV. Makes an appropriation to the department of transportation for the borrow-a-lane project.

XVI. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

XVII. Establishes the position of deputy director of motor vehicles.

XVIII. Grants pay raises to state employees, judicial employees, and legislative employees.

XIX. Changes the methodology of calculating the rate of the education property tax and the utility property tax and establishes a procedure for education property tax relief claims based on a homestead exemption.

XX. The bill also makes certain changes to the provisions for determining adequate education grants and allows for supplemental distributions to municipalities which are required to raise more than \$5 per \$1,000 per pupil from non-state sources.

Rep. Sapareto spoke in favor and yielded to questions.

The Sapareto floor amendment (1833h) failed.

Rep. Kurk offered a floor amendment (1862h).

### Floor Amendment (1862h)

Amend the bill by replacing section 5 with the following:

5 Transfer Authority; Department of Health and Human Services. The commissioner of health and human services may transfer not more than \$2,277,000 in general funds each year for the purpose of increasing salaries for direct care providers for persons with developmental and acquired

disabilities. Applicable matching federal funds shall be accepted to the extent that they become available in accordance with section 2 of this act. The commissioner shall not execute a transfer without obtaining the approval of the legislative fiscal committee and the governor and council. Rep. Marjorie Smith spoke against.

On a division vote, 180 members having voted in the affirmative and 164 in the negative, the Kurk floor amendment (1862h) was adopted.

Rep. Kurk offered a second floor amendment (1863h).

### **Floor Amendment (1863h)**

Amend the bill by replacing section 9 with the following:

9 Budget Surplus; Transfer to Education Trust Fund. Notwithstanding RSA 9:13-e, any general fund undesignated surplus for the fiscal year ending June 30, 1999 up to \$21,500,000 shall be transferred to the education trust fund established pursuant to RSA 198:39. Any general fund undesignated surplus in excess of \$21,500,000 shall be transferred according to RSA 9:13-e.

### **AMENDED ANALYSIS**

This bill:

- I. Enables additional revenues to be made available for certain health and human services programs.
  - II. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.
  - III. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.
  - IV. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.
  - V. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.
  - VI. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.
  - VII. Transfers up to \$21,500,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.
  - VIII. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.
  - IX. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.
  - X. Grants laid-off state employees certain rights with regard to rehiring.
  - XI. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the speaker of the house and the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.
  - XII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.
  - XIII. Establishes a committee to study the protection of waterfront properties from erosion.
  - XIV. Makes an appropriation to the department of transportation for the borrow-a-lane project.
  - XV. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.
  - XVI. Establishes the position of deputy director of motor vehicles.
  - XVII. Grants pay raises to state employees, judicial employees, and legislative employees.
- The Kurk floor amendment (1863h) was adopted.
- Reps. Franks and Sapareto offered floor amendment (1820h).

### **Floor Amendment (1820h)**

Amend the bill by inserting after section 45 the following and renumbering the original section 46 to read as 47:

46 Appropriation; Air Conditioners for House Chambers. The sum of \$10,000 for the fiscal year ending June 30, 2000 is hereby appropriated to the department of administrative services for the purpose of purchasing air conditioning units for installation in the chambers of the house of rep-

representatives. This appropriation shall be in addition to any other sums appropriated to the department of administrative services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

### AMENDED ANALYSIS

This bill:

- I. Authorizes the commissioner of the department of health and human services to implement a pharmaceutical purchasing initiative.
  - II. Enables additional revenues to be made available for certain health and human services programs.
  - III. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.
  - IV. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.
  - V. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.
  - VI. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.
  - VII. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.
  - VIII. Transfers up to \$20,000,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.
  - IX. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.
  - X. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.
  - XI. Grants laid-off state employees certain rights with regard to rehiring.
  - XII. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the speaker of the house and the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.
  - XIII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.
  - XIV. Establishes a committee to study the protection of waterfront properties from erosion.
  - XV. Makes an appropriation to the department of transportation for the borrow-a-lane project.
  - XVI. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.
  - XVII. Establishes the position of deputy director of motor vehicles.
  - XVIII. Grants pay raises to state employees, judicial employees, and legislative employees.
  - XIX. Makes an appropriation for air conditioners for the house chambers.
- Reps. Chandler and Mirski spoke against.  
 Reps. Franks and Sapareto spoke in favor.  
 Rep. Loren Jean requested a roll call; sufficiently seconded.  
 The question being the adoption of the Sapareto/Franks floor amendment (1820h).

**YEAS 60 NAYS 281**

**YEAS 60**

**BELKNAP**

Boris, Thomas

Rosen, Ralph

**CARROLL**

Dickinson, Howard

**CHESHIRE**

DePecol, Benjamin  
 Robertson, Timothy

Lynch, Margaret  
 Zerba, Roger

Lynott, Margaret

McGuirk, Paul

**COOS**

None

**GRAFTON**

None

**HILLSBOROUGH**

Arthur, Rose  
Dwyer, Paul, Sr  
Ginsburg, Ruth  
Lessard, Rudy  
Nolan-Piteri, Dawn  
Vaillancourt, Steve

Baroody, Benjamin  
Ford, Nancy  
Johnson, Lionel  
McCarthy, William  
Reeves, Sandra

Clemons, Jane  
Franks, Suzan  
Keye, Harvey  
Mendenhall, Leslie  
Reidy, Frank

Dawe, Eileen  
Gagnon, Paul  
LaPorte, George  
Messier, Irene  
Turgeon, Roland

**MERRIMACK**

Fraser, Marilyn  
Wallin, Jean

French, Barbara  
Wallner, Mary Jane

Kennedy, Richard

Moore, Carol

**ROCKINGHAM**

Cooney, Richard  
Langley, Jane  
Shelton, Richard

DiFruscia, Anthony  
O'Keefe, Patricia  
Shultis, Elizabeth

Dowling, Patricia  
Pitts, Jacqueline  
Splaine, James

Kelley, Jane  
Sapareto, Frank  
Vaughn, Charles

**STRAFFORD**

Bickford, David  
Gilmore, Gary  
Rollo, Michael

Brennan, William  
Lent, Donald  
Snyder, Clair

Brown, Julie  
Pelletier, Arthur  
Twardus, Joseph

Domingo, Baldwin  
Pelletier, Marsha

**SULLIVAN**

Donovan, Thomas, Jr

**NAYS 281****BELKNAP**

Bartlett, Gordon  
Lawton, Robert  
Thomas, John

Boyce, Robert  
Millham, Alida  
Turner, Robert

Johnson, James  
Pilliod, James  
Wendelboe, Francine

Lawton, David  
Rice, Thomas  
Wood, Jane

**CARROLL**

Babson, David, Jr  
Kenney, Joseph  
Patten, Betsey

Bradley, Jeb  
Lyman, L Randy  
Philbrick, Donald

Chandler, Gene  
MacDonald, Kenneth

Howard, Godfrey  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Mitchell, McKim  
Riley, William  
Russell, Ronald

Batchelder, Robert  
Lerandeau, Alfred  
Pratt, Irene  
Roberts, William  
Smith, Edwin

Blaisdell, Michael  
Manning, Joseph  
Pratt, John  
Rose, William

Burnham, Daniel  
Meader, David  
Richardson, Barbara  
Royce, H Charles

**COOS**

Davis, Perley  
Landers, Dana  
Tholl, John, Jr

Guay, Lawrence  
Mears, Edgar  
Woodward, David

Hawkinson, Marie  
Merrill, Gerald

Horton, Lynn  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Cobb, John

Alger, John  
Copenhaver, Marion

Almy, Susan  
Dudley, Terri

Brothers, Richard  
Eaton, Stephanie

Gilman, G Michael  
Hinman, Harry  
Nordgren, Sharon  
Weber, Phil

Guest, Robert  
Johnson, Gary  
Scanlan, David

Hall, David  
Marshall, Gene  
Solow, Martha

Ham, Bonnie  
Mirski, Paul  
Ward, Brian

### HILLSBOROUGH

Ahern, Richard  
Beaupre, Roland  
Brundige, Robert  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Craig, James  
Desmarais, Vivian  
Dyer, Merton  
Foster, Linda  
Gorman, Mary  
Hansen, Herbert  
Jean, Claudette  
L'Heureux, Robert  
Leonard, Peter  
Martel, Andre  
McGough, Tim  
Moriarty, Mary  
Ouellette, Dean  
Peterson, Andrew  
Simon, Anthony  
White, Donald

Andrews, Frederick  
Belvin, William  
Bruno, Pierre  
Carlson, Donald  
Cote, David  
Curran, James  
Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Melcher, Harold  
Mosher, William  
Pappas, Marc  
Rowe, Robert  
Tate, Joan  
White, John

Arnold, Thomas, Jr  
Bergeron, Lucien  
Buckley, Raymond  
Chabot, Robert  
Cote, Peter  
Dalianis, Griffin  
Dokmo, Cynthia  
Fields, Dennis  
Garrish, Linda  
Haley, Robert  
Herman, Richard  
Konys, Christine  
Lasky, Bette  
Lynde, Harold  
McDonald, James, Sr  
Mercer, Robert  
Murphy, Robert  
Pepino, Leo  
Sarette, John  
Thulander, O Alan  
Withee, Dennis

Batula, Peter  
Bergin, Peter  
Burkush, James  
Christiansen, Lars  
Coughlin, Pamela  
Daniels, Gary  
Drabinowicz, A  
Fletcher, Richard  
Goley, Jeffrey  
Hall, Betty  
Holley, Sylvia  
Kurk, Neal  
Leishman, Peter  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Moran, Edward  
O'Hearn, Jane  
Perkins, Paul  
Sargent, Maxwell  
Wall, Nancy

### MERRIMACK

Anderson, Eric  
Crowell, Peter  
Fortnam, Janet  
Jacobson, Alf  
Leber, William  
Maxfield, Roy  
Reardon, Tara  
Virtue, Carolyn

Asplund, Bronwyn  
Daneault, Gabriel  
Gile, Mary  
Langer, Ray  
Lockwood, Priscilla  
Nichols, Avis  
Rodd, Beth  
Whalley, Michael

Bouchard, Candace  
Davis, Francis  
Hager, Elizabeth  
Larrabee, David, Sr  
Marple, Richard  
Potter, Frances  
Seldin, Gloria  
Whittemore, James

Brewster, Richard  
Feuerstein, Martin  
Hess, David  
Lavcie, Gerard  
Marshall, Kenneth  
Poulin, Dave  
St Cyr, Gerard  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Corbin, C David  
Dolan, Richard  
Flanagan, Natalie  
Gleason, John  
Hutchinson, Karen  
Katsakiores, George  
Lovejoy, Marian  
Moore, Benjamin  
Nowe, Ronald  
Pantelakos, Laura  
Rabideau, Marie  
Stickney, Nancy  
Verani, Giovanni  
Weyler, Kenneth

Arndt, Janet  
Bridle, Russell  
Cote, Patricia  
Downing, Michael  
Flanders, John, Sr  
Grant, Kenneth  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Major, Norman  
Morse, Charles  
Noyes, Richard  
Priestley, Anne  
Raynowska, Bernard  
Stone, Joseph  
Weare, Everett  
Whittier, John

Beaulieu, Jon  
Case, Margaret  
Cox, Russell  
Dunham, Vivian  
Francoeur, Sheila  
Griffin, Mary  
Johnson, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Norelli, Terie  
O'Neil, Michael  
Putnam, Ed, II  
Reardon, Neil  
Stritch, C Donald  
Weatherspoon, Jackie  
Zolla, William

Belanger, Ronald  
Clark, Vivian  
Dalrymple, Jeanen  
Fesh, Robert  
Gibbons, Paul  
Henderson, Warren  
Kane, Cecelia  
Langone, John  
Mikowski, Walter  
Nowe, Mary Lou  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas  
Welch, David

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Johnson, Nancy  
Lundborn, Raymond  
Spang, Judith  
Wall, Janet

Brown, George  
Dunlap, Patrice  
Kaen, Naida  
Musler, George  
Spear, Barbara  
Woods, Phyllis

Callaghan, Frank  
Estabrook, Iris  
Keans, Sandra  
Rogers, Rose Marie  
Torr, Franklin

Cossette, Larry  
Grassie, Anne  
Knowles, William  
Smith, Marjorie  
Vincent, Francis

**SULLIVAN**

Allison, David  
Jones, Constance  
Robb-Theroux, Amy

Burling, Peter  
Kibbey, David  
Tuthill, John

Cloutier, John  
Leone, Richard

Flint, Gordon, Sr  
Phinizy, James

and the Sapareto/Franks floor amendment (1820h) failed.  
Rep. Hager offered a floor amendment (Weyler/Belvin 1852h).

**Floor Amendment (1852h)**

Amend the bill by inserting after section 45 the following and renumbering the original section 46 to read as 47:

4 Department of Health and Human Services; Reports of Productivity Gains from Investments in Information Technology.

I. The commissioner of health and human services shall develop criteria for measuring the productivity gains which the department of health and human services has realized from the state's investments in computers and other information technologies. The commissioner shall submit such criteria to the fiscal committee for approval.

II. Following approval of the criteria by the fiscal committee, the commissioner of health and human services shall submit a quarterly report on the department's productivity gains realized from the state's investments in computer and information technologies, based on such criteria, to the fiscal committee for its approval. The first quarterly report shall be issued on or before September 30, 1999.

III. After approval by the fiscal committee the department shall forward a copy of each quarterly report to the house finance committee, the senate finance committee, and the governor and council.

**AMENDED ANALYSIS**

This bill:

I. Authorizes the commissioner of the department of health and human services to implement a pharmaceutical purchasing initiative.

II. Enables additional revenues to be made available for certain health and human services programs.

III. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.

IV. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

V. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.

VI. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.

VII. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.

VIII. Transfers up to \$20,000,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.

IX. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.

X. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.



XI. Grants laid-off state employees certain rights with regard to rehiring.

XII. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the speaker of the house and the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.

XIII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

XIV. Establishes a committee to study the protection of waterfront properties from erosion.

XV. Makes an appropriation to the department of transportation for the borrow-a-lane project.

XVI. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

XVII. Establishes the position of deputy director of motor vehicles.

XVIII. Grants pay raises to state employees, judicial employees, and legislative employees.

XIX. Requires the commissioner of health and humans services to develop criteria for measuring productivity gains realized by the department from investments in computers and information technologies, and to submit a quarterly report on such gains to the fiscal committee.

The Weyler/Belvin floor amendment (1852h), as offered by Rep. Hager, was adopted.

The question now being the adoption of Ought to Pass with Amendment.

Rep. Alger spoke against.

Reps. Burling and Jacobson spoke in favor.

Rep. Hager spoke in favor and yielded to questions.

### MOTION TO LAY ON THE TABLE

Rep. Alger moved that **HB 2-FN-A**, relative to state fees, funds, revenues and expenditures, be laid on the table.

Rep. Burling requested a roll call, sufficiently seconded.

**YEAS 111 NAYS 237**

**YEAS 111**

**BELKNAP**

Boyce, Robert	Johnson, James	Lawton, David	Rice, Thomas
Rosen, Ralph	Thomas, John	Wendelboe, Francine	

**CARROLL**

Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Lyman, L Randy	Patten, Betsey		

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Merrill, Gerald	Pratt, Leighton
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**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	Mirski, Paul	Ward, Brien	Weber, Phil

**HILLSBOROUGH**

Andrews, Frederick	Batula, Peter	Beaupre, Roland	Brundige, Robert
Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Fenton, James	Fletcher, Richard	Gagnon, Eugene
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Jean, Loren
L'Heureux, Robert	Martel, Andre	McCarty, Winston	McGough, Tim

Mercer, Robert  
Pappas, Marc  
Tate, Joan

Mosher, William  
Pepino, Leo  
Thulander, O Alan

Nolan-Piteri, Dawn  
Reeves, Sandra  
Wall, Nancy

Ouellette, Dean  
Rowe, Robert  
White, Donald

### MERRIMACK

Anderson, Eric  
Marple, Richard

Asplund, Bronwyn  
Nichols, Avis

Lavoie, Gerard

Leber, William

### ROCKINGHAM

Arndt, Janet  
Corbin, C David  
DiFruscia, Anthony  
Fesh, Robert  
Kobel, Rudolph  
Moore, Benjamin  
Noyes, Richard  
Reardon, Neil  
Weare, Everett

Beaulieu, Jon  
Cote, Patricia  
Dolan, Richard  
Grant, Kenneth  
Letourneau, Robert  
Morse, Charles  
Priestley, Anne  
Ruffner, Walter  
Zolla, William

Belanger, Ronald  
Cox, Russell  
Dowling, Patricia  
Griffin, Mary  
Major, Norman  
Nowe, Mary Lou  
Putnam, Ed, II  
Varrell, Thomas

Bishop, Franklin  
Dalrymple, Janeen  
Dunham, Vivian  
Hutchinson, Karen  
Mikowski, Walter  
Nowe, Ronald  
Raynowska, Bernard  
Verani, Giovanni

### STRAFFORD

McKinley, Robert

Woods, Phyllis

### SULLIVAN

Kibbey, David

### NAYS 237

### BELKNAP

Bartlett, Gordon  
Millham, Alida

Boriso, Thomas  
Pilliod, James

Czech, Stanley  
Wood, Jane

Lawton, Robert

### CARROLL

Bradley, Jeb

Kenney, Joseph

Mock, Henry

Philbrick, Donald

### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Batchelder, Robert  
Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Blaisdell, Michael  
Lynch, Margaret  
Meador, David  
Richardson, Barbara  
Zerba, Roger

Burnham, Daniel  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

### COOS

Davis, Perley  
Landers, Dana

Guay, Lawrence  
Mears, Edgar

Hawkinson, Marie  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

### GRAFTON

Almy, Susan  
Johnson, Gary  
Solow, Martha

Copenhaver, Marion  
Marshall, Gene

Guest, Robert  
Nordgren, Sharon

Ham, Bonnie  
Scanlan, David

### HILLSBOROUGH

Ahern, Richard  
Belvin, William  
Burkush, James  
Coughlin, Pamela  
Dawe, Eileen  
Dwyer, Paul, Sr

Arnold, Thomas, Jr  
Bergeron, Lucien  
Clemons, Jane  
Craig, James  
Desrosiers, William  
Dyer, Merton

Arthur, Rose  
Bergin, Peter  
Cote, David  
Curran, James  
Dokmo, Cynthia  
Fields, Dennis

Baroody, Benjamin  
Buckley, Raymond  
Cote, Peter  
Daigle, Robert  
Drabinowicz, A  
Ford, Nancy

Foster, Linda  
Ginsburg, Ruth  
Haettenschwiler, Alphonse  
Jean, Claudette  
Kurk, Neal  
Leishman, Peter  
Lynde, Harold  
McDonough-Wallace, Alice  
Moran, Edward  
Perkins, Paul  
Sargent, Maxwell  
White, John

Franks, Suzan  
Goley, Jeffrey  
Haley, Robert  
Johnson, Lionel  
LaPorte, George  
Leonard, Peter  
MacGillivray, Jeffrey  
Melcher, Harold  
Moriarty, Mary  
Peterson, Andrew  
Simon, Anthony  
Withee, Dennis

Gagnon, Paul  
Gorman, Mary  
Hall, Betty  
Keye, Harvey  
LaRose, Richard  
Lessard, Rudy  
McCarthy, William  
Mendenhall, Leslie  
Murphy, Robert  
Reidy, Frank  
Turgeon, Roland

Garrish, Linda  
Goulet, Maurice  
Herman, Richard  
Konys, Christine  
Lasky, Bette  
Lozeau, Donnalee  
McDonald, James, Sr  
Messier, Irene  
O'Hearn, Jane  
Sarette, John  
Vaillancourt, Steve

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Larrabee, David, Sr  
Moore, Carol  
Rodd, Beth  
Wallin, Jean  
Yeaton, Charles

Brewster, Richard  
Davis, Francis  
French, Barbara  
Jacobson, Alf  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Crosby, Toni  
Feuerstein, Martin  
Gile, Mary  
Kennedy, Richard  
Marshall, Kenneth  
Poulin, Dave  
St Cyr, Gerard  
Whalley, Michael

Crowell, Peter  
Fortnam, Janet  
Hager, Elizabeth  
Langer, Ray  
Maxfield, Roy  
Reardon, Tara  
Virtue, Carolyn  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Christie, Andrew, Jr  
Flanagan, Natalie  
Gleason, John  
Kane, Cecelia  
Langley, Jane  
Norelli, Terie  
Pantelakos, Laura  
Sapareto, Frank  
Stickney, Nancy  
Weatherspoon, Jackie

Blanchard, MaryAnn  
Clark, Vivian  
Flanders, John, Sr  
Henderson, Warren  
Katsakiores, George  
Langone, John  
O'Keefe, Patricia  
Pitts, Jacqueline  
Shelton, Richard  
Stone, Joseph  
Welch, David

Bridle, Russell  
Cooney, Richard  
Francoeur, Sheila  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Lovejoy, Marian  
O'Neil, Michael  
Quandt, Marshall  
Shultis, Elizabeth  
Stitch, C Donald  
Weyler, Kenneth

Case, Margaret  
Downing, Michael  
Gibbons, Paul  
Johnson, Robert  
Kelley, Jane  
McKinney, Betsy  
Packard, Sherman  
Rabideau, Marie  
Splaine, James  
Vaughn, Charles  
Whittier, John

### STRAFFORD

Berube, Roger  
Brown, Julie  
Domingo, Baldwin  
Grassie, Anne  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Wall, Janet

Bickford, David  
Callaghan, Frank  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin

Brennan, William  
Cossette, Larry  
Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph

Brown, George  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Musler, George  
Rollo, Michael  
Spear, Barbara  
Vincent, Francis

### SULLIVAN

Allison, David  
Flint, Gordon, Sr  
Robb-Theroux, Amy

Burling, Peter  
Jones, Constance  
Tuthill, John

Cloutier, John  
Leone, Richard

Donovan, Thomas, Jr  
Phinizy, James

and the motion failed.

The question now being the adoption of Ought to Pass with Amendment.

Rep. Boyce requested a roll call; sufficiently seconded.

**YEAS 190 NAYS 158****YEAS 190****BELKNAP**

Millham, Alida

Pilliod, James

Wood, Jane

**CARROLL**

Dickinson, Howard

Mock, Henry

Philbrick, Donald

**CHESHIRE**

Avery, Stephen

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

DePecol, Benjamin

Lerandeau, Alfred

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

Zerba, Roger

**COOS**

Davis, Perley

Hawkinson, Marie

Landers, Dana

Mears, Edgar

Tholl, John, Jr

**GRAFTON**

Almy, Susan

Copenhaver, Marion

Guest, Robert

Ham, Bonnie

Johnson, Gary

Nordgren, Sharon

Scanlan, David

Solow, Martha

**HILLSBOROUGH**

Ahern, Richard

Arthur, Rose

Baroody, Benjamin

Bergeron, Lucien

Bergin, Peter

Buckley, Raymond

Burkush, James

Clemmons, Jane

Cote, David

Cote, Peter

Craig, James

Curran, James

Daigle, Robert

Dawe, Eileen

Desrosiers, William

Drabinowicz, A

Dwyer, Paul, Sr

Dyer, Merton

Fields, Dennis

Ford, Nancy

Foster, Linda

Franks, Suzan

Gagnon, Paul

Garrish, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haettenschwiller, Alphonse

Haley, Robert

Hall, Betty

Herman, Richard

Jean, Claudette

Johnson, Lionel

Keye, Harvey

Konys, Christine

LaPorte, George

LaRose, Richard

Lasky, Bette

Leonard, Peter

Lynde, Harold

McCarthy, William

McDonald, James, Sr

McDonough-Wallace, Alice

Melcher, Harold

Mendenhall, Leslie

Messier, Irene

Moriarty, Mary

Murphy, Robert

Perkins, Paul

Peterson, Andrew

Reidy, Frank

Sarette, John

Sargent, Maxwell

Simon, Anthony

Turgeon, Roland

Vaillancourt, Steve

White, John

**MERRIMACK**

Bouchard, Candace

Brewster, Richard

Crosby, Toni

Daneault, Gabriel

Davis, Francis

Feuerstein, Martin

Fortnam, Janet

Fraser, Marilyn

French, Barbara

Gile, Mary

Hager, Elizabeth

Lockwood, Priscilla

Marshall, Kenneth

Maxfield, Roy

Moore, Carol

Potter, Frances

Poulin, Dave

Reardon, Tara

Rodd, Beth

Seldin, Gloria

St Cyr, Gerard

Virtue, Carolyn

Wallin, Jean

Wallner, Mary Jane

Whittemore, James

Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis

Blanchard, MaryAnn

Bridle, Russell

Case, Margaret

Cooney, Richard

Downing, Michael

Gibbons, Paul

Gleason, John

Hutchinson, Rebecca

Johnson, Robert

Kane, Cecelia

Kelley, Jane

Langone, John

Lovejoy, Marian

Norelli, Terie

O'Keefe, Patricia

O'Neil, Michael

Pantelakos, Laura

Pitts, Jacqueline

Quandt, Marshall

Sapareto, Frank

Shelton, Richard

Shultis, Elizabeth

Splaine, James

Stritch, C Donald

Vaughn, Charles

Weatherspoon, Jackie

Weyler, Kenneth

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Twardus, Joseph	Vincent, Francis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John		

**NAYS 158****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Lawton, David	Lawton, Robert	Rice, Thomas
Rosen, Ralph	Thomas, John	Wendelboe, Francine	

**CARROLL**

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Patten, Betsey	

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Woodward, David			

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	Marshall, Gene	Mirski, Paul	Ward, Brien
Weber, Phil			

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Dokmo, Cynthia	Fenton, James	Fletcher, Richard	Gagnon, Eugene
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Jean, Loren	Kurk, Neal	L'Heureux, Robert	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McGough, Tim	Mercer, Robert	Moran, Edward
Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Rowe, Robert
Tate, Joan	Thulander, O Alan	Wall, Nancy	White, Donald
Withee, Dennis			

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Crowell, Peter	Hess, David
Jacobson, Alf	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Marple, Richard	Nichols, Avis
Whalley, Michael			

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Christie, Andrew, Jr	Clark, Vivian	Corbin, C David	Cote, Patricia
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Dolan, Richard
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Grant, Kenneth	Griffin, Mary
Henderson, Warren	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowski, Walter	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Priestley, Anne	Putnam, Ed, II	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Stickney, Nancy	Stone, Joseph
Varrell, Thomas	Verani, Giovanni	Weare, Everett	Welch, David
Whittier, John	Zolla, William		

**STRAFFORD**

Cossette, Larry	McKinley, Robert	Musler, George	Woods, Phyllis
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**SULLIVAN**

Kibbey, David

and the report was adopted.

Ordered to third reading.

Rep. Salatiello declared a conflict of interest and did not participate.

**MOTION TO RECONSIDER**

Having voted on the prevailing side, Rep. Keith Herman moved that the House reconsider its action whereby it passed **SB 199**, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system, and spoke against.

Rep. Burling requested a roll call, sufficiently seconded.

**YEAS 169 NAYS 178****YEAS 169****BELKNAP**

Millham, Alida	Pilliod, James	Salatiello, Thomas	Wood, Jane
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**CARROLL**

None

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

**COOS**

Hawkinson, Marie	Landers, Dana	Mears, Edgar
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Gilman, G Michael	Guest, Robert
Ham, Bonnie	Johnson, Gary	Nordgren, Sharon	Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Buckley, Raymond	Burkush, James	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Dawe, Eileen	Dokmo, Cynthia	Drabinowicz, A	Dwyer, Paul, Sr
Fields, Dennis	Foster, Linda	Franks, Suzan	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Herman, Richard
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
L'Heureux, Robert	LaPorte, George	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lynde, Harold	McCarthy, William	McDonald, James, Sr
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Moriarty, Mary
Murphy, Robert	Perkins, Paul	Reidy, Frank	Sarette, John
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John

**MERRIMACK**

Bouchard, Candace	Crosby, Toni	Crowell, Peter	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Hess, David	Jacobson, Alf	Moore, Carol
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Cox, Russell	Downing, Michael
Grant, Kenneth	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Kobel, Rudolph	Langone, John	Moore, Benjamin
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Rabideau, Marie	Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Vaughn, Charles	Weatherspoon, Jackie	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vincent, Francis
Wall, Janet			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Phinizy, James	Robb-Theroux, Amy
Tuthill, John			

**NAYS 178****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Lawton, David	Lawton, Robert	Rice, Thomas
Rosen, Ralph	Thomas, John	Wendelboe, Francine	

**CARROLL**

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Hall, David	Hinman, Harry
Marshall, Gene	Mirski, Paul	Scanlan, David	Ward, Brien
Weber, Phil			

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dyer, Merton	Fenton, James
Fletcher, Richard	Ford, Nancy	Gagnon, Eugene	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Jean, Loren
Kurk, Neal	LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McGough, Tim
Mercer, Robert	Messier, Irene	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withtee, Dennis		

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Feuerstein, Martin
Hager, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Nichols, Avis	Whalley, Michael
Whittemore, James			

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard
Corbin, C David	Cote, Patricia	Dalrymple, Janeen	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Henderson, Warren	Hutchinson, Karen
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Raynowska, Bernard	Reardon, Neil	Ruffner, Walter	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			



**STRAFFORD**

Bickford, David  
Spear, Barbara

Cossette, Larry  
Woods, Phyllis

McKinley, Robert

Musler, George

**SULLIVAN**

Kibbey, David

Leone, Richard

and reconsideration failed.

**RECESS****(Speaker Sytek in the Chair)****REGULAR CALENDAR – PART I (CONT'D.)**

**SB 68**, establishing minimum 300 foot buffer zones around sensitive areas from application of herbicides, authorizing a study of environmental effects from residual herbicides and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David L. Babson, Jr. for the Majority of Environment and Agriculture: The majority of the Environment and Agriculture Committee felt that the proposed 300-foot buffer zone around wells, boundary lines, springs, and groundwater would dramatically reduce the working area designated for spraying, making the process uneconomical. The current practice of spraying utilizes the latest technological advances and is only used on a designated area once or twice in the lifetime of the area's trees (approximately 70 years). Although the committee heard anecdotal reports, no scientific evidence was presented that this valuable and cost-effective timberland practice is detrimental to the environment. The majority felt it more likely that the use of household chemicals by the general public presented a far greater environmental threat than the well-monitored and controlled practice of aerial spraying. There was little opposition to the increased monitoring which would be required in this bill. Vote 9-6.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: Aerial spraying of herbicides is a procedure to kill the hardwoods and promote certain species desired by the timber owner for targeted desired markets. The effect on wildlife, soil and water is not well understood. How far it may drift is a variable factor and may affect not only the environment but also residential areas. Monitoring of possible environmental damage is a responsibility of the Department of Environmental Services. The department has not been funded to do this monitoring. This bill provides modest available funding.

Rep. Hall spoke against.

Rep. Phinizy spoke against and yielded to questions.

Reps. Melcher and Spang spoke in favor.

Rep. Scanlan spoke in favor and yielded to questions.

Rep. Burling requested a roll call, sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 190 NAYS 128****YEAS 190****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph

Boriso, Thomas  
Millham, Alida  
Thomas, John

Boyce, Robert  
Pilliod, James  
Turner, Robert

Czech, Stanley  
Rice, Thomas  
Wendelboe, Francine

**CARROLL**

Babson, David, Jr  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L Randy  
Philbrick, Donald

Dickinson, Howard  
MacDonald, Kenneth

Howard, Godfrey  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Pratt, John  
Royce, H Charles

Hunt, John  
Riley, William  
Smith, Edwin

Lerandeau, Alfred  
Roberts, William  
Zerba, Roger

Manning, Joseph  
Rose, William

**COOS**

Davis, Perley  
Merrill, Gerald

Guay, Lawrence  
Pratt, Leighton

Hawkinson, Marie  
Tholl, John, Jr

Horton, Lynn  
Woodward, David

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Scanlan, David

Alger, John  
Gilman, G Michael  
Ward, Brian

Cobb, John  
Marshall, Gene  
Weber, Phil

Dudley, Terri  
Mirski, Paul

**HILLSBOROUGH**

Andrews, Frederick  
Belvin, William  
Burkush, James  
Christiansen, Lars  
Dalianis, Griffin  
Dokmo, Cynthia  
Fletcher, Richard  
Goulet, Maurice  
Jean, Loren  
Leishman, Peter  
Martel, Andre  
Moran, Edward  
Ouellette, Dean  
Reeves, Sandra  
Thulander, O Alan

Arnold, Thomas, Jr  
Bergin, Peter  
Calawa, Leon, Jr  
Clegg, Robert, Jr  
Daniels, Gary  
Dwyer, Paul, Sr  
Franks, Suzan  
Hansen, Herbert  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Mosher, William  
Pappas, Marc  
Rowe, Robert  
Wall, Nancy

Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Coughlin, Pamela  
Dawe, Eileen  
Fenton, James  
Gagnon, Eugene  
Herman, Keith  
L'Heureux, Robert  
Lozeau, DonnaLee  
Melcher, Harold  
Murphy, Robert  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

Beaupre, Roland  
Bruno, Pierre  
Chabot, Robert  
Craig, James  
Desmarais, Vivian  
Fields, Dennis  
Goley, Jeffrey  
Holley, Sylvia  
LaRose, Richard  
MacGillivray, Jeffrey  
Mercer, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Simon, Anthony  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
Lockwood, Priscilla  
Whalley, Michael

Brewster, Richard  
Larrabee, David, Sr  
Marshall, Kenneth  
Whittemore, James

Feuerstein, Martin  
Lavoie, Gerard  
Maxfield, Roy

Hess, David  
Leber, William  
Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew, Jr  
Cote, Patricia  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Raynowska, Bernard  
Stone, Joseph  
Welch, David

Beaulieu, Jon  
Clark, Vivian  
Cox, Russell  
Fesh, Robert  
Gleason, John  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Reardon, Neil  
Stritch, C Donald  
Weyler, Kenneth

Bishop, Franklin  
Cooney, Richard  
Dolan, Richard  
Flanagan, Natalie  
Grant, Kenneth  
Katsakiores, George  
Langone, John  
Mikowski, Walter  
Noyes, Richard  
Putnam, Ed, II  
Ruffner, Walter  
Varrell, Thomas  
Whittier, John

Bridle, Russell  
Corbin, C David  
Dowling, Patricia  
Flanders, John, Sr  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Sapareto, Frank  
Weare, Everett  
Zolla, William

**STRAFFORD**

Lundborn, Raymond  
Rollo, Michael

McKinley, Robert  
Spear, Barbara

Musler, George  
Torr, Franklin

Rogers, Rose Marie  
Woods, Phyllis

**SULLIVAN**

Flint, Gordon, Sr

Jones, Constance

Leone, Richard

Robb-Theroux, Amy

**NAYS 128****BELKNAP**

Salatiello, Thomas

Wood, Jane

**CARROLL**

Bradley, Jeb

**CHESHIRE**Batchelder, Robert  
Lynott, Margaret  
Pratt, IreneBlaisdell, Michael  
McGuirk, Paul  
Richardson, BarbaraBurnham, Daniel  
Meader, David  
Robertson, TimothyLynch, Margaret  
Mitchell, McKim  
Russell, Ronald**COOS**

Landers, Dana

Mears, Edgar

**GRAFTON**Almy, Susan  
Ham, Bonnie  
Solow, MarthaCopenhaver, Marion  
Hinman, HarryDensmore, Jessica  
Johnson, GaryGuest, Robert  
Nordgren, Sharon**HILLSBOROUGH**Ahern, Richard  
Buckley, Raymond  
Curran, James  
Gagnon, Paul  
Hall, Betty  
Keye, Harvey  
Leonard, Peter  
McDonough-Wallace, Alice  
Nolan-Piteri, Dawn  
White, JohnArthur, Rose  
Clemons, Jane  
Drabinowicz, A  
Garrish, Linda  
Herman, Richard  
Konys, Christine  
Lynde, Harold  
Mendenhall, Leslie  
Sarette, JohnBaroody, Benjamin  
Cote, David  
Ford, Nancy  
Gorman, Mary  
Jean, Claudette  
LaPorte, George  
McCarthy, William  
Messier, Irene  
Turgeon, RolandBergeron, Lucien  
Cote, Peter  
Foster, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Lasky, Bette  
McDonald, James, Sr  
Moriarty, Mary  
Vaillancourt, Steve**MERRIMACK**Bouchard, Candace  
Fortnam, Janet  
Moore, Carol  
St Cyr, Gerard  
Yeaton, CharlesCrosby, Toni  
Fraser, Marilyn  
Potter, Frances  
Virtue, CarolynDaneault, Gabriel  
French, Barbara  
Rodd, Beth  
Wallin, JeanDavis, Francis  
Jacobson, Alf  
Seldin, Gloria  
Wallner, Mary Jane**ROCKINGHAM**Abbott, Dennis  
Gibbons, Paul  
Norelli, Terie  
Shelton, Richard  
Weatherspoon, JackieBelanger, Ronald  
Hutchinson, Rebecca  
O'Keefe, Patricia  
Shultis, ElizabethBlanchard, MaryAnn  
Kane, Cecelia  
Pitts, Jacqueline  
Splaine, JamesDiFruscia, Anthony  
Kelley, Jane  
Rabideau, Marie  
Vaughn, Charles**STRAFFORD**Brennan, William  
Cossette, Larry  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Marsha  
Taylor, KathleenBrown, George  
DeChane, Marlene  
Gilmore, Gary  
Knowles, William  
Smith, Marjorie  
Twardus, JosephBrown, Julie  
Domingo, Baldwin  
Johnson, Nancy  
Lent, Donald  
Snyder, Clair  
Vachon, DennisCallaghan, Frank  
Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Spang, Judith  
Wall, Janet**SULLIVAN**Allison, David  
McIntyre, SaraBurling, Peter  
Phinizy, JamesCloutier, John  
Tuthill, John

Donovan, Thomas, Jr

and the majority report was adopted.

### SPECIAL ORDERS

**HB 707-FN**, relative to the family division of the courts. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: This bill would expand the family court system to add Carroll and Belknap counties to the existing two counties. The court believes that expanding the family court system will add considerable costs to the judicial branch. The committee finds many of the features of the family court system to be desirable, and therefore would like to re-refer the bill in order to thoroughly examine these suggested additional costs to see how they can be minimized Vote 14-2.

Rep. Kurk spoke against.

The report failed.

Rep. Kurk moved Ought to Pass with Amendment.

Rep. Kurk offered a floor amendment.

#### Floor Amendment (1877h)

Amend paragraph I(a) as inserted by section 4 of the bill by replacing it with the following:

(a) Three members of the house, 2 of whom shall be members of either the judiciary committee or the children and family law committee and one of whom shall be a member of the finance committee, appointed by the speaker of the house.

Amend the bill by replacing section 9 with the following:

9 Effective Date.

I. Sections 3-7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2000.

#### AMENDED ANALYSIS

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to Carroll and Belknap counties. The bill also establishes a committee to study implementation of a statewide family division.

Rep. Peterson spoke in favor.

Adopted.

The question now being Ought to Pass with Amendment.

Report adopted and ordered to third reading.

Rep. Burling declared a conflict of interest and did not participate.

**SB 40**, relative to the health care fund. INEXPEDIENT TO LEGISLATE

Rep. Robert E. Clegg for Finance: This bill would require separate legislation and a 2/3 vote of the House and Senate before any transfers of funds from the Health Care Fund could occur. It would also require the fund to be at the same level at the end of a biennium as it was at the beginning. The Committee felt the cause noble but realized that the statute could be by-passed and funds could still be transferred through "notwithstanding any law to the contrary" language. As a result, it appears to the Committee that the bill would not serve its intended purpose. Vote 11-5.

Rep. Jacobson spoke against.

Rep. Clegg spoke in favor and yielded to questions.

Adopted.

### REGULAR CALENDAR – PART II

**CACR 11**, relating to the use of lottery revenues for educational purposes. Providing that lottery revenues be distributed directly to the governing body of the city or town. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: This is one of three constitutional amendments that the committee voted to re-refer in order to have more time to look at the issues. This will not delay implementing any possible constitutional amendment, since no amendment can be placed before the voters until November, 2000. Vote 12-5.

Adopted.

**CACR 26**, relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; the nature and means of the fulfillment of such duty shall be determined by the legislature and judicial review shall be limited to whether or not there is any rational basis therefor; the legislature shall have exclusive authority to determine and fund the costs or to delegate the authority to

impose assessments, rates, and taxes for education to political subdivisions, which if so delegated shall be deemed local and shall be proportional and reasonable within the political subdivision in which they are imposed. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: This is one of three constitutional amendments that the committee voted to re-refer in order to have more time to look at the issues. This will not delay implementing any possible constitutional amendment, since no amendment can be placed before the voters until November, 2000. Vote 15-1.

Adopted.

**SB 62-FN-A-L**, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor. OUGHT TO PASS

Rep. Norman L. Major for Finance: This bill appropriates funds to the Department of Resources and Economic Development for the purchase of a certain tract of land, currently operated as Umbagog Lake Campground, located in Cambridge, New Hampshire, on Umbagog Lake. The tract totals approximately 9.6 acres on the southern shore of Umbagog Lake and is operated as a campground. The acquisition by the state of this tract of land will secure state access to and assure future control of recreational opportunities on and around this lake. Umbagog Lake is a water body that encompasses approximately 7,850 acres (4,532 acres in New Hampshire) and the several thousand acres of adjoining bay area to the north is the last large undeveloped parcel of its kind in the state of New Hampshire. The area is an important habitat for an abundance of wildlife such as blue herons, bald eagles, ospreys and loons. The purchased property will be managed by the Department of Resources and Economic Development, Division of Parks and Recreation. Currently this property is owned by the Trust for Public Lands. The Division of Parks and Recreation will operate this campground under agreement with the Trust for Public Lands until the state's purchase is final. The final sale price of the property has been determined by appraisal, and shall not exceed \$600,000. The Department of Resources and Economic Development (DRED) indicates total state revenues from operating the campground will exceed all state expenses associated with this land purchase and campground operation for all future years. This bill increases general fund bonded indebtedness by \$600,000. Payments of principal and interest on the bonds and notes shall be made from the state park fund, not the general fund. Vote 12-6.

Adopted and ordered to third reading.

**SB 102**, relative to payment of the premium tax. OUGHT TO PASS

Rep. Robert K. Boyce for Finance: This bill simply requires insurers whose annual estimated tax liability is \$400 or less to make one advance annual payment rather than four quarterly payments. Vote 15-0.

Adopted and ordered to third reading.

**SB 113**, establishing a division of travel and tourism development within the department of resources and economic development. OUGHT TO PASS

Rep. Franklin G. Torr for Finance: This bill elevates travel and tourism from an office to a division. This action puts travel and tourism in a more prominent position. Additionally there is established an advisory committee on travel and tourism to recommend ideas and provide input to the Division of Travel and Tourism. There is a minor cost of approximately \$2,000 each year. Vote 10-8.

Adopted and ordered to third reading.

**SB 153-FN-A**, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: The bill would have required that a percentage of Liquor Commission profits be spent on alcohol education and abuse prevention and treatment. Data was presented concerning the successfulness and cost-effectiveness of these programs. The committee needs more time to evaluate this data and obtain answers to many questions before it can determine what priority should be placed on spending money for this purpose compared with others. Vote 10-5.

Reps. Pilliod and Eaton spoke against.

Reps. MacGillivray, Millham, Vaillancourt and Belvin spoke in favor.

Rep. Pilliod requested a roll call; not sufficiently seconded.

On a division vote, 202 members voting in the affirmative and 108 in the negative, the report was adopted.

**SB 182-FN**, relative to eligibility for ordinary death benefits under the New Hampshire retirement system. **OUGHT TO PASS**

Rep. Paul J. Dwyer, Sr. for Finance: This bill is to help spouses of retirees who have passed away and were in service at the time of their death. It offers those spouses a choice of accepting the retiree's earnable compensation in a lump sum or by monthly payments. There is no cost to the retirement system or to the general fund. Vote 15-2.

Adopted.

Ordered to third reading.

**SB 187-FN-L**, relative to payment of group health insurance premiums for eligible retired teachers in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: This bill provides a health care supplement for retired teachers who are currently retired or will retire prior to July 1, 2004. The \$89.1 million cost will come from the teacher portion of the special account of the New Hampshire Retirement System. The special account was established in 1983 to provide cost-of-living adjustments and other benefit enhancements. The special account has sufficient funds for this purpose. After funding the bill there will be \$74 million remaining to fund reasonable COLAs for the next three to four years. The benefit and funding mechanism is the same as the health care program for retired police and firefighters which has been in effect for the past eleven years. The Finance Committee amendment provides \$110,000 over the biennium from within the budget of the Department of Health and Human Services to fund the legislatively-established Long Term Care Institute. There will be no increase in state or local expenditures as a result of this bill. Vote 15-2.

#### **Amendment (1822h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to payment of group health insurance premiums for eligible retired teachers and for certain active or retired group II members in the New Hampshire retirement system, and relative to allocation of funds appropriated to the department of health and human services to the long term care institute.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as section 9:

8 Allocation of Funds; Department of Health and Human Services; Long Term Care Institute. Of funds appropriated to the department of health and human services, the commissioner shall pay over to the long term care institute established under RSA 126-L the sum of \$55,000 for each year of the biennium ending June 30, 2001.

#### **AMENDED ANALYSIS**

This bill provides for the payment by the retirement system of the cost of group health insurance for eligible retired teachers. The additional benefits shall be funded from the special account for current retired teachers and projected eligible teachers for the next 5 years.

The bill includes certain active or retired group II members for funding of payment of medical benefits.

The bill also provides for the allocation of \$55,000 for each year of the biennium to be paid over from funds appropriated to the department of health and human services to the long term care institute.

Rep. Kurk spoke in favor and yielded to questions.

Reps. Copenhaver, Wallin and Haettenschwiller spoke against.

Rep. Belvin spoke in favor.

Rep. Chandler requested a roll call, sufficiently seconded.

The question being the adoption of the amendment.

**YEAS 149 NAYS 172**

**YEAS 149**

**BELKNAP**

Bartlett, Gordon  
Millham, Alida  
Thomas, John

Boyce, Robert  
Pilliod, James  
Turner, Robert

Czech, Stanley  
Rice, Thomas  
Wendelboe, Francine

Johnson, James  
Rosen, Ralph

**CARROLL**

Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Smith, Edwin			

**COOS**

Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Marshall, Gene	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Belvin, William
Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald
Chabot, Robert	Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Dyer, Merton	Fields, Dennis
Fletcher, Richard	Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Jean, Loren	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee
Martel, Andre	McCarty, Winston	McGough, Tim	Mercer, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Rowe, Robert	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Wall, Nancy	White, Donald	Withee, Dennis

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Kennedy, Richard	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Marple, Richard	Nichols, Avis
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Christie, Andrew, Jr	Clark, Vivian	Cote, Patricia	Cox, Russell
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr
Gleason, John	Grant, Kenneth	Griffin, Mary	Henderson, Warren
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Nowe, Mary Lou
Nowe, Ronald	Packard, Sherman	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Sapareto, Frank	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Weare, Everett	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

**STRAFFORD**

Bickford, David	Cossette, Larry	Kaen, Naida	McKinley, Robert
Spear, Barbara	Torr, Franklin	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Leone, Richard	Robb-Theroux, Amy
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**NAYS 172****BELKNAP**

Salatiello, Thomas

Wood, Jane

**CARROLL**

Lyman, L Randy

**CHESHIRE**

Batchelder, Robert  
Lynch, Margaret  
Meador, David  
Richardson, Barbara  
Zerba, Roger

Blaisdell, Michael  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

Burnham, Daniel  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Lerandeau, Alfred  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

**COOS**

Davis, Perley

Hawkinson, Marie

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Hall, David  
Nordgren, Sharon

Copenhaver, Marion  
Ham, Bonnie  
Solow, Martha

Densmore, Jessica  
Johnson, Gary

Guest, Robert  
Mirski, Paul

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Lucien  
Clemons, Jane  
Curran, James  
Dwyer, Paul, Sr  
Franks, Suzan  
Goley, Jeffrey  
Herman, Richard  
Konys, Christine  
Leonard, Peter  
McDonald, James, Sr  
Messier, Irene  
Reidy, Frank

Arthur, Rose  
Bergin, Peter  
Cote, David  
Dawe, Eileen  
Fenton, James  
Gagnon, Paul  
Gorman, Mary  
Holley, Sylvia  
LaPorte, George  
Lynde, Harold  
McDonough-Wallace, Alice  
Moriarty, Mary  
Sarette, John

Baroody, Benjamin  
Buckley, Raymond  
Cote, Peter  
Dokmo, Cynthia  
Ford, Nancy  
Garrish, Linda  
Haettenschwiller, Alphonse  
Jean, Claudette  
Lasky, Bette  
MacGillivray, Jeffrey  
Melcher, Harold  
Murphy, Robert  
Vaillancourt, Steve

Beaupre, Roland  
Burkush, James  
Craig, James  
Drabinowicz, A  
Foster, Linda  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Leishman, Peter  
McCarthy, William  
Mendenhall, Leslie  
Reeves, Sandra  
White, John

**MERRIMACK**

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Langer, Ray  
Potter, Frances  
Wallin, Jean

Brewster, Richard  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Seldin, Gloria  
Wallner, Mary Jane

Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Marshall, Kenneth  
St Cyr, Gerard  
Yeaton, Charles

Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Moore, Carol  
Virtue, Carolyn

**ROCKINGHAM**

Abbott, Dennis  
Corbin, C David  
Francoeur, Sheila  
Johnson, Robert  
Norelli, Terie  
Pitts, Jacqueline  
Shelton, Richard  
Vaughn, Charles

Beaulieu, Jon  
DiFruscia, Anthony  
Gibbons, Paul  
Kane, Cecelia  
O'Keefe, Patricia  
Priestley, Anne  
Shultis, Elizabeth  
Weatherspoon, Jackie

Blanchard, MaryAnn  
Dolan, Richard  
Hutchinson, Karen  
Langone, John  
O'Neil, Michael  
Putnam, Ed, II  
Splaine, James

Cooney, Richard  
Dowling, Patricia  
Hutchinson, Rebecca  
Morse, Charles  
Pantelakos, Laura  
Rabideau, Marie  
Varrell, Thomas



**STRAFFORD**

Brennan, William	Brown, George	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Grassie, Anne	Johnson, Nancy	Keans, Sandra
Knowles, William	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	McIntyre, Sara	Phinizy, James
Tuthill, John			

and the amendment failed.

Ought to Pass with Amendment failed.

Rep. Dyer moved Ought to Pass.

Adopted.

Ordered to third reading.

Rep. Royce declared a conflict of interest and did not participate.

**COMMITTEE REPORTS****CONSENT CALENDAR – Part III**

Rep. Chandler moved that the Consent Calendar – Part III, as printed in House Record No. 70, dated June 28, 1999, be adopted.

Consent Calendar adopted.

**SB 11-FN**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. RE-REFER TO COMMITTEE

Rep. Steve Vaillancourt for Finance: With the final grains of sand passing through the upper portion of the hourglass, Finance did not have the necessary time to devote to this bill which deals with changes in how mutual funds pay filing fees to the state. The fiscal note was far from helpful. It revealed that the impact of this bill could range from a loss of \$690,000 a year to a gain of \$310,000. By re-referring this bill, Finance intends to get a better handle on this data and then decide whether it is in the best fiscal interests of the state. Vote 17-0.

**SB 114**, relative to health care carrier disclosure of third party liability. OUGHT TO PASS

Rep. Robert K. Boyce for Finance: The Finance Committee agrees with the Commerce Committee that this bill simplifies the process the Department of Health and Human Services goes through to ensure all commercial or third party insurance liability is paid prior to the state Medicaid system picking up those costs. The sharing of information between the Insurance Department and HHS will not violate any confidentiality rights. There is a fiscal note decreasing expenditures by over \$1,000,000; the state would retain at least half of these savings. Vote 17-0.

**SB 186-FN**, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance. RE-REFER TO COMMITTEE

Rep. Charles L. Vaughn for Finance: This bill increases minimum allowances from \$5,200 to \$7,500 annually for retired group II members, requires a spousal acknowledgement of members' election of optional retirement allowance, and repeals the reduction by a social security offset of a minimum service retirement. Currently, the police special fund has a balance of \$62.5 million and the fire \$45.5 million. These figures include the July COLAs. This legislation further depletes the special funds by \$3.8 million and \$3.6 million respectively. Due to time constraints, and lack of a 5-year actuarial table demonstrating losses attributable to the repeal of a social security offset, the Finance Committee recommends Re-refer. Vote 16-1.

**SB 222-FN-A-L**, relative to guarantee of loans to local development organizations. RE-REFER TO COMMITTEE

Rep. Susan W. Almy for Finance: The committee, having just received this bill, no longer has enough time to collect the information needed to pass it, and asks for Re-refer. Vote 18-0.

**REGULAR CALENDAR – PART III**

**HB 235-FN-A**, increasing the exemption amount under the interest and dividends tax. RE-REFER TO COMMITTEE

Rep. Bruce F. Hunter for Finance: This bill would increase the exemptions under the interest and dividends tax. The Finance Committee found that a comprehensive review of this tax is warranted. Members heard many suggestions for modifying this tax, including increased exemptions, increased exemptions for people over 65, and increased exemptions for those individuals with limited total income. The Department of Revenue Administration reported that this bill would decrease state revenue by \$10.2 million in FY 2000 and each year thereafter. The committee will spend the next several months looking at various proposals to limit this tax and to insure that any exemption structure is fairly constructed. Vote 16-0.  
Adopted.

**HB 615-FN-A**, establishing a brain and spinal cord injury trust fund and continually appropriating a special fund and establishing a registry for brain and spinal cord injuries. OUGHT TO PASS WITH AMENDMENT

Rep. O. Alan Thulander for Finance: The committee spent considerable time on this bill trying to find an acceptable method of funding this trust fund that would be adequate and sustainable. We were unable to do so. We therefore eliminated the funding portion so that the registry could proceed and the trust fund be taken up when more information is available. The registry should provide the Department of Health and Human Services and the legislature with the data to help determine the nature and cost of future services to people with brain and spinal cord injuries. Vote 17-0.

**Amendment (1827h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a registry for brain and spinal cord injuries.

Amend the bill by replacing all after the enacting clause with the following:

1 Chapter Heading. Amend the chapter heading of RSA 137-K to read as follows:

[NEW HAMPSHIRE] BRAIN AND SPINAL CORD  
[INJURY ADVISORY COUNCIL] INJURIES

2 New Section; Definitions. Amend RSA 137-K by inserting after section 1 the following new section:

137-K:1-a Definitions. In this chapter:

I. "Brain and spinal cord injury" means any injury to the brain or spinal cord which causes death or requires medical care and treatment or results in long-term disability.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Department" means the department of health and human services.

IV. "Prevention services" means organized activities which are capable of reducing the incidence and prevalence of brain and spinal cord injuries.

V. "Risk assessment" means the measurement and evaluation of the threat resulting from these injuries.

VI. "Facility" means a governmental or private agency, department, institution, clinic, laboratory, hospital, health maintenance organization, association, physician, or other similar unit diagnosing or providing treatment for brain and spinal cord injuries.

3 Reference Change. Amend the introductory paragraph of RSA 137-K:2, I to read as follows:

I. There is established the New Hampshire brain and spinal cord injury advisory council in the department [~~of health and human services~~]. The advisory council shall consist of the following members:

4 Reference Change. Amend the introductory paragraph of RSA 137-K:3 to read as follows:

137-K:3 Rulemaking. The commissioner [~~of health and human services~~] shall, after consultation with the advisory council established in RSA 137-K:2, adopt rules under RSA 541-A relative to:

5 New Paragraphs; Rulemaking Added. Amend RSA 137-K:3, V to read as follows:

*V. Conducting prevention and screening services and delivering education programs.*

*VI. Content and design of all forms and reports required by this chapter.*

*VII. Procedures for disclosure of information gathered by the brain and spinal cord registry, by monitoring and evaluating health data, and from completed risk assessments.*

*VIII. Any other matter necessary for the administration of this chapter.*

6 New Sections; Duties; Registry Established. Amend RSA 137-K by inserting after section 5 the following new sections:

137-K:5 Duties. The commissioner shall:

- I. Educate the public regarding factors associated with the risk of brain and spinal cord injuries.
- II. Monitor the morbidity and mortality of brain and spinal cord injuries.
- III. Evaluate available health data for use in delivering prevention services.

IV. Offer prevention services to population groups at risk of developing brain and spinal cord injuries.

V. Undertake risk assessment activities.

137-K:6 Brain and Spinal Cord Injury Registry Established. There shall be established in the department a brain and spinal cord injury registry for compilation and analysis of information relating to the incidence, diagnosis, and treatment of brain and spinal cord injuries.

137-K:7 Reporting. All facilities shall provide a report to the brain and spinal cord injury registry containing information regarding a brain and spinal cord injury diagnosed or being treated.

137-K:8 Disclosure; Confidentiality.

I. A report provided to the brain and spinal cord injury registry disclosing the identity of an individual, who was reported as having a brain and spinal cord injury, shall only be released to persons demonstrating a need which is essential to health-related research, except that the release shall be conditioned upon the individual granting authority to release the information and personal identities remaining confidential.

II. Analyses and compilations of data prepared under RSA 137-K:5 which do not disclose the identity of an individual and which cannot be used to surmise an identity shall be available to the public under RSA 91-A.

III. The physician-patient privilege shall not apply to reports prepared pursuant to RSA 137-K:7.

137-K:9 Maintenance of Reports. Reports provided to the brain and spinal cord injury registry under RSA 137-K:7, and analyses and data prepared under RSA 137-K:5 shall be maintained by the department in a manner suitable for brain and spinal cord injury research purposes, and shall be available to persons as prescribed in RSA 137-K:8.

7 Report to Legislature by Commissioner. The commissioner of health and human services shall make a report to the speaker of the house of representatives and the senate president by June 30, 2000 on the establishment of the registry pursuant to RSA 137-K, and on the data collected and maintained by the department, including the types of injuries reported and the causes of such injuries.

8 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a registry for compilation and analysis of information relating to brain and spinal cord injuries, and requires the commissioner of health and human services to make an initial report to the legislature on the establishment of the registry.

Adopted.

Report adopted and ordered to third reading.

### HB 709-FN-A-L, relative to the railroad tax. OUGHT TO PASS

Rep. Jean R. Wallin for Finance: This bill clarifies the tax treatment of railroad companies that operate on state-owned railroad corridors and provides a share of the revenues from these operations to the twenty-eight towns and cities on the four railroad corridors. Cities and towns along state-leased corridors will share approximately \$25,000, and cities and towns along other railroad corridors will share approximately \$155,000. The state general fund will receive approximately \$311,000 from the railroad tax, a decrease of approximately \$140,000. The remaining revenue (approximately \$293,000) is paid to a special railroad fund (RSA 228:68-69) which provides for the maintenance and repair of the railroad lines. Vote 14-2.

Adopted and ordered to third reading.

Rep. Leishman declared a conflict of interest and did not participate.

### SB 195-FN-A, appropriating funds for sludge testing. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Finance: The Department of Environmental Services, under citizen pressure to act and against the advice of the Joint Administrative Committee on Legislative Rules, put rules into effect in March 1999 requiring that all municipalities with wastewater treatment plants whose products are spread as sludge or compost undergo re-certification. This re-certification en-

tails \$10,000 of testing the first year and \$2,500 every year thereafter. The municipalities raised this as a 28-a issue. The Senate voted to approve the \$500,000 that the first year of testing would entail. The House Finance amendment drops this cost to \$210,000, after an agreement from the department to waive the testing for those municipalities whose treatment lagoons are only emptied once in 10-15 years. There are seven municipal plants that regularly land-apply sludge and ten that turn it into compost. Next year the department will bring in a bill through which this issue can be properly debated by the legislature. The \$210,000 cost is to the FY 99 general fund from department wastewater funds that would otherwise lapse. Vote 17-0.

#### **Amendment (1837h)**

1 Transfer of Appropriation. The amount of \$210,000, appropriated for state aid grants by 1997, 350:1 PAU 03, 04, 02, 01, 04 for fiscal year 1999, shall be transferred as income to the sampling and analysis of sludge or biosolids samples fund under RSA 485-A:4, XVI-c.

#### **AMENDED ANALYSIS**

This bill transfers \$210,000 appropriated for state aid grants to the sampling and analysis of sludge or biosolids samples fund.

This bill is a request of the department of environmental services.

Adopted.

Report adopted and ordered to third reading.

#### **SB 158-FN, relative to indecent exposure. OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill increases the penalty for indecent exposure when a person purposely performs any act of penetration or sexual contact on himself or herself or another in the presence of a child who is 12 years of age or younger. The penalty shall be a Class B Felony instead of a misdemeanor. If a person has previously been convicted of 2 or more offenses of this indecent exposure in the presence of a child who is less than 16 years of age it shall be a Class A Felony. Vote 10-2.

#### **Amendment (1815h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to definitions and penalties for indecent exposure and inclusion in certain sexual offender registry classifications.

Amend RSA 645:1, I-a as inserted by section 1 of the bill by replacing it with the following:

(a) Fornicates, exposes his or her genitals or performs any other act of gross lewdness under circumstances which he or she should know will likely cause affront or alarm.

Amend RSA 645:1, II-a as inserted by section 1 of the bill by replacing it with the following:

(a) Such person purposely performs any act of penetration or sexual contact on himself or herself or another in the presence of a child who is 12 years of age or younger.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as section 5:

2 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:1, III(a) to read as follows:

(a) RSA 632-A:2, 632-A:3, 632-A:4, [or] 645:1, II, **or 645:1, III**; or

3 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:6, I to read as follows:

1. Any sexual offender convicted of a violation or attempted violation of RSA 632-A:2, [or] 632-A:3, **or 645:1, III**, and any offender against children convicted of a violation or attempted violation of RSA 169-B:41, II, 633:1, 633:2, 639:3, III, 645:2, II, 649-A:3, I, or 650:2, II, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for life.

4 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:7, II(a) to read as follows:

II.(a) The division shall maintain a separate list of all individuals registered pursuant to this chapter who have been convicted of any violation or attempted violation of one of the following offenses, or of any law of another state or the federal government reasonably equivalent to one of the following offenses:

(1) RSA 632-A:2, I(1).

(2) RSA 632-A:2, II.

- (3) RSA 632-A:3, III.
- (4) RSA 645:1, II.
- (5) ***RSA 645:1, III.***
- (6) Any offense described in RSA 651-B:1, V.

#### AMENDED ANALYSIS

This bill changes the definitions and penalties for indecent exposure, and includes such offenders in certain sexual offender registry classifications.

Adopted.

Rep. Knowles offered a floor amendment.

#### Floor Amendment (1880h)

Amend RSA 645:1, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Fornicates, exposes his or her genitals or performs any other act of gross lewdness under circumstances which he or she should know will likely cause affront or alarm.

Amend RSA 645:1, II-a as inserted by section 1 of the bill by replacing it with the following:

(a) Such person purposely performs any act of sexual penetration or sexual contact on himself or herself or another in the presence of a child who is 12 years of age or younger.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as section 5:

2 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:1, III(a) to read as follows:

(a) RSA 632-A:2, 632-A:3, 632-A:4, [or] 645:1, II, ***or 645:1, III;*** or

3 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:6, I to read as follows:

I. Any sexual offender convicted of a violation or attempted violation of RSA 632-A:2, [or] 632-A:3, ***or 645:1, III,*** and any offender against children convicted of a violation or attempted violation of RSA 169-B:41, II, 633:1, 633:2, 639:3, III, 645:2, II, 649-A:3, I, or 650:2, II, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for life.

4 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:7, II(a) to read as follows:

II.(a) The division shall maintain a separate list of all individuals registered pursuant to this chapter who have been convicted of any violation or attempted violation of one of the following offenses, or of any law of another state or the federal government reasonably equivalent to one of the following offenses:

- (1) RSA 632-A:2, I(1).
- (2) RSA 632-A:2, II.
- (3) RSA 632-A:3, III.
- (4) RSA 645:1, II.
- (5) ***RSA 645:1, III.***
- (6) Any offense described in RSA 651-B:1, V.

#### AMENDED ANALYSIS

This bill changes the definitions and penalties for indecent exposure, and includes such offenders in certain sexual offender registry classifications.

Adopted.

Report adopted and ordered to third reading.

#### COMMITTEE OF CONFERENCE REPORT ON SB 30

Committee of Conference Report on SB 30, an act relative to the cruelty to animals laws.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 644:8, IV-a as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) ***The provisions of RSA 284 shall not be affected by this section***

Conferees: Sens. Wheeler, Dist. 21; Trombly, Dist. 7 and Disnard, Dist. 8.

Conferees: Reps. Weare, Rock. 21; Mikowski, Rock. 29; Fesh, Rock. 13 and Welch, Rock. 18.

Adopted.

## SENATE MESSAGES

### CONCURRENCES

**HB 658**, relative to certification, registration, and insurance requirements for recovery agents who assist bail agents and sureties.(Amendment SJ 25, 6/24/99)

Rep. Goulet moved that the House concur and spoke in favor.

Adopted.

**HB 741**, relative to the ratio of apprentices to journeymen in trade or industry apprenticeship programs. (Amendment SJ 24, 6/22/99)

Rep. Daniels moved that the House concur and spoke in favor.

Adopted.

## AMENDMENT TO HOUSE RULES

Reps. Chandler and Burling offered the following:

### Amendment (1876h)

Amend Rule 64 to read as follows:

June 30, 1999, Wednesday, at 5 p.m.

Last day to file committee of conference reports.

July 1, 1999

Last day for action on committee of conference reports.

Rep. Chandler spoke in favor and yielded to questions.

Rep. Burling spoke in favor.

Adopted.

## SUSPENSION OF RULES

Reps. Chandler and Burling moved that the Rules be so far suspended to permit Committees of Conference to meet without the required 24-hour notice for posting as required by House Rule 43 (c) and to remove the requirement that reports be distributed to be acted on some subsequent day as required by House Rule 49 (a).

Reps. Chandler and Burling spoke in favor.

Adopted by the necessary two-thirds.

## SENATE MESSAGES

### NONCONCURS WITH AMENDMENTS

### REQUESTS COMMITTEES OF CONFERENCE

**SB 183-FN-A**, establishing a New Hampshire health access corporation and continually appropriating a special fund and making an appropriation therefor, requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to certain transfers to the health care fund, and relative to rates for pharmaceutical services.

The President appointed Sens. Squires, Fernald and Pignatelli.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Keith Herman, Dalianis and Taylor.

**SB 214-FN**, relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board.

The President appointed Sens. Wheeler, Fernald and Gordon.

Rep. Batula moved that the House accede.

Adopted.

The Speaker appointed Reps. Batula, Wendelboe, Pilliod and Donovan.

**SB 224**, relative to stenographic records and availability of transcripts of adjudicative hearings before licensing boards.

The President appointed Sens. Gordon, Pignatelli and Cohen.

Rep. Mercer moved that the House accede.

Adopted.

The Speaker appointed Reps. Goulet, Millham, Stickney and Virtue.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Thursday, July 1, 1999 at 11:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 105**, relative to continuation of coverage of health insurance.

**SB 199**, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

**HB 707-FN**, relative to the family division of the courts.

**SB 62-FN-A-L**, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor.

**SB 102**, relative to payment of the premium tax.

**SB 113**, establishing a division of travel and tourism development within the department of resources and economic development.

**SB 182-FN**, relative to eligibility for ordinary death benefits under the New Hampshire retirement system.

**SB 187-FN-L**, relative to payment of group health insurance premiums for eligible retired teachers in the New Hampshire retirement system.

**SB 114**, relative to health carrier disclosure of third party liability.

**HB 615-FN-A**, establishing a registry for brain and spinal cord injuries.

**HB 709-FN-A-L**, relative to the railroad tax.

**SB 195-FN-A**, appropriating funds for sludge testing.

**SB 158-FN**, relative to indecent exposure.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming committees of conference only.

Adopted.

The House recessed at 4:18 p.m.

### RECESS

(Rep. Keith Herman in the Chair)

### SENATE MESSAGES

### CONCURRENCE

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

**HB 395-FN-A**, establishing a program of matching grants to preserve historic agricultural structures in New Hampshire.

**HB 451**, establishing a committee to study first and second mortgage home loans.

**HB 468**, relative to the home rule powers of municipalities.

**HB 559-FN-A**, authorizing vanity plates or decals for OHRV registrations.

**HB 576-FN-A**, establishing additional staff positions for statewide child custody and support impact seminars, and making an appropriation therefor.

**HB 608-FN-A**, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor.

**HB 652-FN**, relative to victims' assistance, penalty assessments on criminal offenses, and establishing a surcharge on items sold at state prison commissaries which is continually appropriated to the victims' assistance fund.

**HB 698-FN-L**, restricting fees for registration permits for certain vehicles.

**HB 719-FN**, relative to procedures regarding children in need of services.

**HB 738-FN**, making an appropriation to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.

**HCR 11**, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds.

**CACR 6**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law.

### RE-REFERRED TO COMMITTEE

**HB 97**, relative to the right to farm.

**HB 360-FN**, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons.

**HB 449-FN**, requiring boating safety education.

**HB 640-FN**, relative to grievance procedures of managed care organizations.

**HB 690-FN-L**, relative to charter schools and open enrollment districts.

**HJR 6**, encouraging the revitalization of the northern rail line from Concord to Lebanon.

### NONCONCURRENCE

**HB 551**, revising the definition of "employer" under the employment discrimination laws of the state.

**HB 605-FN**, affirming sovereign immunity for the state and its political subdivisions as it relates to the "year 2000 problem".

**HB 633-FN-L**, establishing parental choice scholarships.

**HB 639-FN**, relative to motor vehicle registration fees for antique motor vehicles and motorcycles.

**HB 728-FN**, establishing a commission to study the compensation of members of the legislature and the reimbursement for expenses.

**HCR 7**, urging the federal government not to adopt rules requiring financial institutions to monitor their customers' banking habits.

### REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 411**, requiring voters to present identification.

### NONCONCURRENCE WITH AMENDMENT

**SB 199**, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system.

### CONCURRENCE WITH AMENDMENTS

**SB 20**, relative to soliciting or selling tickets to entertainment or sports events on public ways.

**SB 27**, relative to assessment fee schedules for trust companies and banks.

**SB 28**, relative to food production and distribution and food service licensure.

**SB 32**, exempting employers of certain part-time contractors from providing unemployment compensation, and establishing a study committee to analyze ways to reconcile inconsistencies within the statutes with regard to independent contractors.

**SB 53-FN**, relative to licensure of physicians providing teleradiology services in this state.

**SB 58**, allowing clinical mental health counselors to obtain third party payment for services rendered which would otherwise qualify for such payments.

**SB 62-FN-A-L**, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor.



- SB 69-L**, relative to health care charitable trusts and community benefits.
- SB 78**, relative to contract requirements between a paid solicitor and a charitable trust.
- SB 83**, relative to the regulation of the practice of veterinary medicine.
- SB 93**, relative to self-storage facility liens.
- SB 105**, relative to continuation of coverage of health insurance.
- SB 113**, establishing a division of travel and tourism development within the department of resources and economic development.
- SB 131-FN-A**, changing the name of the office of travel and tourism to the office of travel and tourism development, and updating outdated references to the office of vacation travel.
- SB 167**, relative to off-label prescription drugs.
- SB 175-FN**, requiring insurance coverage for prescription contraceptive drugs and prescription contraceptive devices and for contraceptive services.
- SB 177**, allowing marriage and family therapists to obtain third party payment for services rendered which would otherwise qualify for such payments.
- SB 191**, relative to the New Hampshire higher educational and health facilities authority.
- SB 197-FN-A**, adding a duty to the committee to study the state substance abuse treatment delivery system.
- SB 198-FN**, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment.
- SB 200**, relative to child day care licensing procedures.
- SB 201-FN**, reclassifying non-support as a felony under certain circumstances.
- SB 209-FN-L**, establishing a study committee on certain matters concerning superior court justices.
- SB 223-FN-A**, establishing a wellness and primary prevention council.

### ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

- HB 25-A**, making appropriations for capital improvements.  
The President appointed Sens. Larsen, D'Allesandro, John King and Gordon. (Alternates: Sens. Wheeler and Blaisdell)
- HB 252**, establishing a committee to study all aspects of the condominium act established under RSA 356-B.  
The President appointed Sens. Trombly, Disnard and Roberge.
- HB 265**, relative to the student trustees on the university system of New Hampshire board of trustees.  
The President appointed Sens. McCarley, Gordon and D'Allesandro.
- HB 291**, establishing a study committee for seed sterilization technology or "terminator" technology.  
The President appointed Sens. Cohen, Wheeler and Russman.
- HB 333**, relative to contracts between participating providers and managed care entities.  
The President appointed Sens. Wheeler, McCarley and John King.
- HB 369**, establishing a committee on educational programs on tobacco use for minors.  
The President appointed Sens. Wheeler, McCarley and Johnson.
- HB 408**, relative to drug formularies under managed care entities.  
The President appointed Sens. Wheeler, Squires and Roberge.
- HB 463-L**, relative to local regulation of junk yards and altering the definition of federal aid primary system for purposes of the laws regarding highways regulations, protection and control regulations.  
The President appointed Sens. Russman, Pignatelli and Below.
- HB 562**, relative to the date of decision for appeals of zoning matters.  
The President appointed Sens. Trombly, Wheeler and Roberge.

RECESS

**(Rep. Clegg in the Chair)**

**SENATE MESSAGE**

**REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 341**, relative to the process for nonrenewal of teacher contracts. (Amendments printed SJ 26, 6/29/99)

Rep. Babson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. O'Hearn, Alger, Henderson and Snyder.

**RECESS**

**(Rep. Thomas in the Chair)**

**SENATE MESSAGES**

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 563**, relative to names of limited liability partnerships and companies and cooperative associations. (Amendment printed SJ 26, 6/29/99)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Hunt, Keith Herman, Francoeur and Taylor.

**HB 684**, making adjustments to the fiscal year 1999 budget for the department of health and human services. (Amendment printed SJ 26, 6/29/99)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Hess, Henderson, Whalley and Konys.

**RECESS**

**(Rep. Whalley in the Chair)**

**SENATE MESSAGES**

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 331**, relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers. (Amendment printed SJ 26, 6/29/99)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Keith Herman, Chandler, Francoeur and Hawkinson.

**HB 685-FN-A**, relative to the duties of the New Hampshire land and community heritage commission. (Amendment printed SJ 23, 6/1799)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Whalley, Kurk, Major and Hawkinson.

**RECESS**

**(Rep. Whalley in the Chair)**

**SENATE MESSAGES**

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 584-FN**, relative to administrative license suspensions. (Amendment printed SJ 26, 6/29/99)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Christie, Lozeau, Weare and Knowles.

**HB 616-FN-A**, establishing a house study committee to consider issues related to the driver training fund. (Amendment printed SJ 26, 6/29/99)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Chair appointed Reps. Packard, Kurk, Letourneau and Buckley.

**HB 676-FN-A**, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor. (Amendment printed SJ 26, 6/29/99)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Chair appointed Reps. Packard, Kurk, Letourneau and Konys.

## RECESS

**(Rep. Christie in the Chair)**

## SENATE MESSAGES

### NONCONCURS WITH AMENDMENT

### REQUESTS COMMITTEE OF CONFERENCE

**SB 158-FN**, relative to indecent exposure.

The President appointed Sens. Pignatelli, John King and Gordon.

Rep. Welch moved that the House accede.

Adopted.

The Chair appointed Reps. Christie, Welch, Weare and Knowles.

## ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 331**, relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers.

The President appointed Sens. Larsen, Pignatelli and Squires.

**HB 341**, relative to the process for nonrenewal of teacher contracts.

The President appointed Sens. McCarley, Hollingworth and John King.

**HB 563**, relative to names of limited liability partnerships and companies and cooperative associations.

The President appointed Sens. Klemm, Wheeler and Fraser.

**HB 584-FN**, relative to administrative license suspensions.

The President appointed Sens. Gordon, Pignatelli and McCarley.

**HB 616-FN-A**, establishing a house study committee to consider issues related to the driver training fund.

The President appointed Sens. Gordon, Pignatelli and McCarley.

**HB 676-FN-A**, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor.

The President appointed Sens. Gordon, Pignatelli and McCarley.

**HB 684**, making adjustments to the fiscal year 1999 budget for the department of health and human services.

The President appointed Sens. McCarley, Hollingworth and Johnson.

**HB 685-FN-A**, relative to the duties of the New Hampshire land and community heritage commission.

The President appointed Sens. Larsen, Hollingworth and Russman.

## CONCURRENCE WITH AMENDMENTS

**SB 187-FN-L**, relative to payment of group health insurance premiums for eligible retired teachers and for certain active or retired group II members in the New Hampshire retirement system.

**SB 195-FN-A**, appropriating funds for sludge testing.

## RECESS

(Rep. Clegg in the Chair)

## SENATE MESSAGES

## REQUESTS CONCURRENCE WITH AMENDMENT

**HB 112-FN-A**, increasing the tobacco tax and imposing the tax on all types of tobacco products. (Amendments printed SJ 26, 6/29/99)

Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Lozeau, Chandler, Kurk and Buckley.

## ENROLLED BILL AMENDMENTS

**HB 94**, relative to enforcement of the child passenger restraint law.

## Amendment (1858-EBA)

Amend section 2 of the bill by replacing line 3 with the following:

IV. A driver who is under 18 years of age shall not be subject to license suspension for a  
Adopted.

**HB 410**, relative to the enforcement authority of the department of environmental services.

## Amendment (1896-EBA)

Amend RSA 485-A:22, II as inserted by section 3 of the bill by replacing line 2 with the following:

**485-A:4-6**, or any lawful regulation of the department issued pursuant to this subdivision or  
Adopted.

**HB 670**, establishing an advisory board to study the future of the New Hampshire automated information system's "Webster" Internet site.

## Amendment (1913-EBA)

Amend RSA 201-A:27, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. The terms of the members appointed pursuant to subparagraphs II(c), (g), and (h) shall be 3  
Adopted.

**HB 688**, relative to the custody and escheat of abandoned and unclaimed property.

## Amendment (1860-EBA)

Amend RSA 471-C:30, II as inserted by section 5 of the bill by replacing line 4 with the following:  
~~treasurer~~ as a deduction for any costs and service charges which the state shall incur in escheat

proceedings or with respect to reimbursements made pursuant to paragraph [VH] III. The admin-  
istrator shall deposit this sum in the general fund.

Adopted.

## RECESS

(Rep. Keith Herman in the Chair)

## SENATE MESSAGE

## ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 112-FN-A**, increasing the tobacco tax and imposing the tax on all types of tobacco products.

The President appointed Sens. Hollingworth, McCarley and Fraser.

## RECESS

(Rep. Clegg in the Chair)

## ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 596.

Rep. Lozeau, Sen. D'Allesandro for the Committee

**ENROLLED BILL AMENDMENT**

**HJR 2**, urging that federal air pollution programs not punish early adopters of air pollution control technology.

**Amendment (1859-EBA)**

Amend the first paragraph after the resolving clause by replacing line 2 with the following: allocation of allowances or other items of commercial value, or any future reduction requirements; and Adopted.

**RECESS****(Rep. Konys in the Chair)****ENROLLED BILL AMENDMENTS**

**SB 37-FN**, relative to fees for testing of domestic animals for disease. (Amendment printed SJ 27, 7/1/99)  
Adopted.

**SB 99**, allowing the same interest rates and charges on small loans under \$1,500 as is allowed on small loans over \$1,500. (Amendment printed SJ 27, 7/1/99)  
Adopted.

**SB 104**, making a variety of changes in certain insurance laws. (Amendment printed SJ 27, 7/1/99)  
Adopted.

**SB 192**, relative to vital records. (Amendment printed SJ 27, 7/1/99)  
Adopted.

**RECESS****(Speaker Sytek in the Chair)****CONFEREE CHANGES**

**HB 25-A**, making appropriations for capital improvements  
Rep. Leber was added as an alternate member.

**HB 252**, establishing a committee to study all aspects of the condominium act established under RSA 356-B.

Rep. Taylor replaced Rep. Tara Reardon. Rep. Francoeur replaced Rep. Avery

**HB 331**, relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers.

Rep. Taylor replaced Rep. Hawkinson.

**HB 369**, establishing a committee on educational programs on tobacco use for minors.

Rep. Keith Herman replaced Rep. Langley.

**HB 408**, relative to drug formularies under managed care entities.

Rep. Dalianis replaced Rep. McGough.

**HB 676-FN-A**, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor.

Rep. Bradley replaced Rep. Kurk.

**HB 685-FN-A**, relative to the duties of the New Hampshire land and community heritage commission.

Rep. Burling replaced Rep. Hawkinson.

Rep. Daniels moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 25**

Thursday, July 1, 1999

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Hays Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton, New Hampshire.

Lord God Almighty, in Whose name the founders of this country won liberty for themselves and for us, and lit the torch of freedom for nations then unborn: grant that we and all the people of this land may have grace to maintain our liberties in righteousness and peace.

And mindful of the responsibilities placed before each Representative here, and in great thanksgiving for our liberties, may God's blessing be upon each of you this day. Amen.

Reps. Boyce and French led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Julie Brown, Peter Cote, Courchesne, DePecol, Golden, Cecelia Kane, Major, McColgan, James McDonald, Rice, Schanda and Searles, the day, illness.

Reps. Belvin, Blaisdell, Bridle, Downing, David Flanders, Fletcher, Flint, Fuller Clark, Glines, Hamel, Richard Heon, Richard Herman, Hoadley, Gary Johnson, Lionel Johnson, Langone, Leone, Lefebvre, MacNeil, McRae, Musler, O'Keefe, Owen, Perkins, Nolan-Piteri, Tara Reardon, Rowe, Tufts, Wiggins and Young, the day, important business.

Reps. Dawe, Emerton, Karen Hutchinson and Mendenhall, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Barbara Brewster and Audrey Schaeffer, wife and guest of Rep. Richard Brewster. Charlene Takesian, Zachary Lynde and Michael Swiderski, wife, son and guest of Rep. Lynde. Donald Fowler, nephew of Rep. Jones. Tom Veinote, guest of Pembroke-Allenstown delegation. Bonnie Patria, guest of Rep. Leonard.

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 89-FN-A**, making an appropriation for a department of transportation study of the state house complex to evaluate space needs. (Amendment printed SJ 26, 6/29/99)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 626-FN**, relative to revising the laws regulating accountancy. (Amendment printed SJ 26, 6/29/99)

Rep. Goulet moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 666-FN-A-L**, relative to the taxation of sand, gravel, loam and other similar substances. (Amendment printed SJ 26, 6/29/99)

Rep. Kurk moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 721-FN**, relative to procedures regarding delinquent children under RSA169-B. (Amendment printed SJ 23, 6/17/99)

Rep. Lyman moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**CLERK'S NOTE**

The constitutionally required two-thirds of the membership was declared present.

**SENATE MESSAGES (CONT'D.)**

**HB 525-FN**, relative to special number plates for certain veterans. (Amendment printed SJ 26, 6/29/99)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**CONCURRENCE WITH AMENDMENT**

**SB 227-FN**, establishing a gambling business felony.

**CONSENT CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS**

Rep. Chandler moved that the Consent Calendar of Committee of Conference Reports on Senate Bills, as printed and distributed, be adopted.

Consent Calendar adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 101**

Committee of Conference Report on SB 101, an act relative to landlord-tenant obligations.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Trombly, Dist. 7; Disnard, Dist. 8 and Russman, Dist. 19.

Conferees: Reps. Bergin, Hills. 16; Woods, Straf. 11; Janet Wall, Straf. 9 and Craig, Hills. 38.

**COMMITTEE OF CONFERENCE REPORT ON SB 158**

Committee of Conference Report on SB 158-FN, an act relative to indecent exposure.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Pignatelli, Dist. 13; John King, Dist. 18 and Gordon, Dist. 2.

Conferees: Reps. Christie, Rock. 22; Welch, Rock. 18; Weare, Rock. 21 and Knowles, Straf. 11.

**COMMITTEE OF CONFERENCE REPORT ON SB 183**

Committee of Conference Report on SB 183-FN-A, an act establishing a New Hampshire health access corporation and continually appropriating a special fund and making an appropriation therefor, requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to certain transfers to the health care fund, and relative to rates for pharmaceutical services.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend subparagraph I(e) as inserted by section 6 of the bill by replacing it with the following:

(e) One member appointed by the New Hampshire HMO Association.

Conferees: Sens. Squires, Dist. 12; Fernald, Dist. 11 and Pignatelli, Dist. 13.

Conferees: Reps. Hunt, Ches. 10; Keith Herman, Hills. 13; Dalianis, Hills. 35 and Taylor, Straf. 11.

**COMMITTEE OF CONFERENCE REPORT ON SB 204**

Committee of Conference Report on SB 204, an act establishing the New Hampshire excellence in higher education endowment trust fund.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 6:40, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Requiring disclosure regarding any administrative fees, or portion thereof, which are or may be returned to the trust fund.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 90 days after its passage.

Conferees: Sens. Larsen, Dist. 15; Gordon, Dist. 2 and Cohen, Dist. 24.

Conferees: Reps. Hoadley, Merr. 24; Alger, Graf. 9; Perley Davis, Coos 1 and Snyder, Straf. 14.

### COMMITTEE OF CONFERENCE REPORT ON SB 214

Committee of Conference Report on SB 214-FN, an act relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Members of the Board. Amend RSA 151-C:3, I(a)(2)(B) and (C) to read as follows:

(B) [~~Three~~] **Four** consumers, each from a different region of the state. For the purposes of this subparagraph "consumer" means an individual whose occupation is not in the delivery of health care services, who has no fiduciary obligation or financial interest in any health care facility or health care insurer licensed or regulated by this state, and who is not related in their immediate family to anyone who is involved in the delivery of health care services or health insurance.

(C) [~~Two~~] **Three** providers whose occupation is in the delivery of health care services regulated by the board. One of these providers shall be nominated by the New Hampshire Hospital Association. The [~~other~~] **second** provider shall be nominated by the New Hampshire Health Care Association. *The third provider shall be nominated by the New Hampshire Ambulatory Surgery Association.*

2 Terms. Amend RSA 151-C:3, I(b) to read as follows:

(b) The commissioner of the department of health and human services or designee shall serve as the only permanent member of the board. All other members of the board shall serve [~~only for one~~] 3-year [~~term~~] **terms**, provided that of the initial members, the representative of health care insurers and one consumer shall serve for one year, one consumer and one provider shall serve for 2 years and one consumer and one provider shall serve for 3 years. *Members of the board shall not serve more than 2 full consecutive terms.*

3 Staff; Meetings. Amend RSA 151-C:3, VII to read as follows:

VII.(a) The commissioner of the department of health and human services shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director who shall oversee the staff and act as liaison between the commissioner and the board. *The staff director shall also testify at public hearings to defend staff analyses and recommendations to the board.* The commissioner shall also provide space for the board and staff and other assistance and materials as necessary; *provided, that all meetings of the board shall take place on government property owned or leased by the state of New Hampshire. Notwithstanding this paragraph or any other provision of law to the contrary, the staff members shall report to the board.*

(b) The staff director shall account to the commissioner of the department of health and human services for the administration of funds allocated under this chapter, for the conduct of the staff, and shall timely and appropriately execute his **or her** duties.

4 Ambulatory Surgical Facility; Definition. Amend RSA 151-C:2, I to read as follows:

I. "Ambulatory surgical facility" means a **health care** facility [~~which is not physically attached to a health care facility and~~] **or a portion of a health care facility** which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

5 Effective Date. This act shall take effect upon its passage.



**AMENDED ANALYSIS**

This bill requires the health services planning and review board to meet on government property owned by the state of New Hampshire. The bill also provides that members of the health services planning and review board shall not serve more than 2 full consecutive terms.

Conferees: Sens. Wheeler, Dist. 21; Fernald, Dist. 11 and Gordon, Dist. 2.

Conferees: Reps. Batula, Hills. 18; Pilliod, Belk. 3; Wendelboe, Belk. 2 and Donovan, Sull. 11.

**REGULAR CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS****COMMITTEE OF CONFERENCE REPORT ON SB 47**

Committee of Conference Report on SB 47-FN, an act relative to compensation for time lost by fish and game conservation officers for injuries received in the line of duty, and restoring certain leave time for a conservation officer injured while on duty on August 19, 1997.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Disnard, Dist. 8; Trombly, Dist. 7; and Frederick King, Dist. 1.

Conferees: Reps. Dyer, Hills. 8; Langer, Merr. 11.; Stickney, Rock. 26 and Reidy, Hills. 46.

Rep. Dyer spoke in favor.

Adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 70**

Committee of Conference Report on SB 70, an act changing the safe drinking water standard for MTBE.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing paragraph V(c) of section 1 with the following:

(c) The department of environmental services in consultation with the department of health and human services adopt primary and secondary drinking water standards and ambient ground-water quality standards designed to protect the public health. The general court urges the department of environmental services as part of their review on MTBE to examine the scientific record that led California to adopt a public health goal of 13 parts per billion for MTBE for drinking water and to adopt a secondary drinking water standard of 5 parts per billion for MTBE.

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Methyl Tertiary Butyl Ether (MTBE). Amend RSA 485 by inserting after section 16 the following new subdivision:

Methyl Tertiary Butyl Ether (MTBE)

485:16-a Drinking Water Standards and Notification.

I. The commissioner, in consultation with the commissioner of health and human services, shall adopt primary and secondary drinking water standards pursuant to RSA 485:3, and ambient ground-water quality standards pursuant to RSA 485-C:6, applicable to MTBE. The commissioner shall not commence rulemaking for these standards until after the department has reviewed the scientific record on the risks posed by the presence of MTBE in drinking water supplies. Such review shall be completed at the earliest possible date, but no later than January 1, 2000. The commissioner shall commence rulemaking no later than January 1, 2000.

II. Any public water system delivering water with greater than 5 parts per billion of MTBE shall notify each customer of the MTBE content.

485:16-b Authority to Limit MTBE in Gasoline; Penalties.

I. The commissioner shall seek all necessary waivers from the Environmental Protection Agency such that conventional gasoline, or some other substitute gasoline that is readily available and reasonably priced, may immediately replace reformulated gasoline in Strafford, Rockingham, Hillsborough, and Merrimack counties. The waivers shall expire on January 1, 2002. The temporary waivers shall not be predicated upon the state implementing substitute air emissions reduction strategies in order to comply with the state implementation plan.

II. In addition to the authority to seek waivers under paragraph I, the commissioner, after consultation with the commissioner of health and human services, may limit, with the approval of the governor and council, the concentration of MTBE allowed in any gasoline sold in all or part of the state after first holding a public hearing on the issue and certifying to the air pollution advisory committee established in RSA 125-J:11 that gasolines which meet such limit are:

- (a) Readily available to New Hampshire consumers at a reasonable price;
- (b) Less hazardous overall to humans and the environment than gasoline having higher MTBE concentrations taking into account all exposure routes, including air and water; and
- (c) Approved for use in New Hampshire by the Environmental Protection Agency without a requirement to substitute additional air emissions reductions.

III. Nothing in this section shall prohibit the commissioner from phasing in any limitations approved under paragraph II.

IV. Retail sellers of gasoline and the suppliers to such retail sellers shall comply with the provisions of paragraph II or be subject to the enforcement provisions of RSA 485:58.

V. The limitations on MTBE concentrations established under the provisions of this section shall be exempt from the requirements of RSA 541-A, the administrative procedure act. The department shall file, however, in the office of legislative services a copy of all rules adopted, amended, or repealed under this section by the department.

Amend the bill by replacing section 3 with the following:

3 New Subparagraph; Proceedings in Special Cases; Administrative Procedure Act; Exceptions; Limits on Methyl Tertiary Butyl Ether. Amend RSA 541-A:21, I by inserting after subparagraph (u) the following new subparagraph:

(v) RSA 485:16-b, II relative to limits on the concentration of methyl tertiary butyl ether in gasoline.

#### AMENDED ANALYSIS

I. Requires that the commissioner of environmental services adopt primary and secondary drinking water and ambient groundwater quality standards applicable to MTBE.

II. Authorizes the commissioner to limit the concentration of MTBE allowed in gasoline.

III. Requires that public water systems delivering water with a certain concentration of MTBE notify each customer of the MTBE content.

IV. Requires that the commissioner seek waivers from the Environmental Protection Agency so that reformulated gasoline may be replaced in Strafford, Rockingham, Hillsborough, and Merrimack counties.

Conferees: Sens. Wheeler, Dist. 21; Cohen, Dist. 24 and Russman, Dist. 19.

Conferees: Reps. Bradley, Carr.8; Norelli, Rock. 31; Maxfield, Merr. 9 and Densmore, Graf. 3.

Rep. Bradley spoke in favor and yielded to questions.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 124

Committee of Conference Report on SB 124, an act establishing a committee to study the integration of technology at the state and municipal level.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing paragraph I of section 2 with the following:

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the senate, appointed by the president of the senate.

(b) Five members of the house of representatives, at least one of whom shall be a member of the municipal and county government committee, at least one of whom shall be a member of the science, technology and energy committee, and at least one of whom shall be a member of the election law committee, appointed by the speaker of the house.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall investigate specific measures which would promote the integration of technology at the state, county, and municipal levels for the mutual benefit of all entities and the citizens of the state of New Hampshire. Among the issues included in its study shall be the identification and integration of technology necessary to develop a statewide voter registration database. In conducting its research, the committee shall seek input from the department of administrative services, division of information technology management, in terms of specific technology applications that the state of New Hampshire is deploying or desires to deploy at the county and/or local level and the New Hampshire Association of Counties and the New Hampshire Municipal Association for their perspective on municipal technology needs. In addition, the committee shall seek the input from the oversight committee on telecommunications, which is considering the feasibility and cost-effectiveness of installing certain high-speed telecommunications lines.

Conferees: Sens. D'Allesandro, Dist. 20; McCarley, Dist. 6 and Klemm, Dist. 22.

Conferees: Reps. Lynde, Hills. 24; Guay, Coos 6; Maxfield, Merr. 9 and Bergeron, Hills.32.

Rep. Lynde spoke in favor.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 140

Committee of Conference Report on SB 140, an act relative to ear and body piercing.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Chapter; Ear Piercing. Amend RSA by inserting after chapter 141-H the following new chapter:

#### CHAPTER 141-I

#### EAR PIERCING

141-I:1 Ear Piercing. All ear piercing devices, including but not limited to earrings, needles, and associated parts, that come in direct contact with the client's skin during the ear piercing process shall be single-use prepackaged sterilized units. Reusable stabilizing devices used in ear piercing that come in direct contact with the client's skin shall be cleaned and sterilized after each use in accordance with rules adopted pursuant to RSA 314-A.

#### AMENDED ANALYSIS

This bill requires persons engaged in piercing the ears of the human body to use single-use prepackaged sterilized units.

Conferees: Sens. Wheeler, Dist. 21; Squires, Dist. 12 and McCarley, Dist.6.

Conferees: Reps. Dalrymple, Rock. 26; Manning, Ches.9; Seldin, Merr. 17 and Batula, Hills. 18.

Rep. Dalrymple spoke in favor.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 224

Committee of Conference Report on SB 224, an act relative to stenographic records and availability of transcripts of adjudicative hearings before licensing boards.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Emergency Action Against Licensees; Certified Shorthand Court Reporter Added. Amend RSA 541-A:30, III to read as follows:

III. If the agency finds that public health, safety or welfare requires emergency action and incorporates a finding to that effect in its order, immediate suspension of a license may be ordered pending an adjudicative proceeding. The agency shall commence this adjudicative proceeding not later

than 10 working days after the date of the agency order suspending the license. ***A record of the proceeding shall be made by a certified shorthand court reporter provided by the agency.*** Unless expressly waived by the licensee, agency failure to commence an adjudicative proceeding within 10 working days shall mean that the suspension order is automatically vacated. The agency shall not again suspend the license for the same conduct which formed the basis of the vacated suspension without granting the licensee prior notice and an opportunity for an adjudicative proceeding.

2 New Subparagraphs; Contested Cases in Adjudicative Proceedings; Notice Requirements. Amend RSA 541-A:31, III by inserting after subparagraph (d) the following new subparagraphs:

(e) A statement that each party has the right to have an attorney present to represent the party at the party's expense.

(f) For proceedings before an agency responsible for occupational licensing as provided in paragraph VII-a, a statement that each party has the right to have the agency provide a certified shorthand court reporter at the party's expense and that any such request be submitted in writing at least 10 days prior to the proceeding.

3 Contested Cases; Record of Oral Proceedings. Amend RSA 541-A:31, VII to read as follows:

VII. The entirety of all oral proceedings shall be recorded verbatim ***by the agency.*** Upon the request of any party or upon the agency's own initiative, such record shall be transcribed ***by the agency*** if the requesting party or agency shall [first] pay all reasonable costs for such transcription. ***If a transcript is not provided within 60 days of a request by a person who is a respondent party in a disciplinary hearing before an agency responsible for occupational licensing, the proceeding shall be dismissed with prejudice. Any party may record an oral proceeding, have a transcription made at the party's expense, or both, but only the transcription made by the agency from its verbatim record shall be the official transcript of the proceeding.***

4 New Paragraph; Occupational Licensing Proceeding; Certified Shorthand Court Record. Amend RSA 541-A:31 by inserting after paragraph VII the following new paragraph:

VII-a. At the request of a party in any oral proceeding involving disciplinary action before an agency responsible for occupational licensing except for an emergency action under RSA 541-A:30, III, the record of the proceeding shall be made by a certified shorthand court reporter provided by the agency at the requesting party's expense. A request shall be submitted to the agency in writing at least 10 days prior to the day of the proceeding.

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill adds notice requirements and provides that a stenographic record shall be made by a certified shorthand court reporter in an emergency action and in an agency adjudicative proceeding on occupational licensing upon the request of a party to the proceeding, and requires dismissal of a complaint if a transcript is not provided.

Conferees: Sens. Gordon, Dist.2; Pignatelli, Dist. 13 and Cohen, Dist. 24.

Conferees: Reps. Goulet, Hills. 15; Millham, Belk. 4; Stickney, Rock. 26 and Virtue, Merr.9.

Rep Goulet spoke in favor.

Adopted.

### SUSPENSION OF RULES

Reps. Chandler and Burling moved that House Rule 44 (b) be so far suspended as to permit consideration at the present time, without the required notice, of the committee report on ***HB 747-FN-A-L***, relative to the education property tax and adequate education grants.

Adopted by the necessary two-thirds.

### CONSIDERATION OF HB 747

***HB 747-FN-A-L***, relative to the education property tax and adequate education grants. RE-REFER TO COMMITTEE

Rep. Vivian R. Clark for Finance: This bill, admitted through Rules in the waning days of this session, had its public hearing on June 29. It contains some elements which have already been rejected by the House, some which correct technical errors in the education funding process, and others which may or may not make improvements. The Finance Committee would like the time to get firm numbers on the effects of the various changes. Vote 9-6.

Adopted.

## HOUSE ADDRESS 1

### REPORT OF THE JOINT COMMITTEE ON ADDRESS FOR THE REMOVAL OF CHIEF JUSTICE BROCK

The committee has voted unanimously not to recommend the address for the removal of Chief Justice Brock. Part II, Article 73 of the New Hampshire Constitution provides that the: Governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is sufficient ground for impeachment, and provided further that no officer shall be so removed unless he shall have had an opportunity to be heard in his defense by a joint committee of both houses of the legislature.

The committee does not believe that HA 1 meets the criteria established in the constitution. The conduct described by the 5 items listed in HA 1 does not rise to the level of conduct that requires removal. The members do not believe that HA 1 either stated a reasonable cause for removal or that the causes in HA 1 were fully and substantially stated.

The committee began by examining Part II, Article 73 in the New Hampshire Constitution. The provision was included in our original constitution and was amended in 1966 to spell out certain requirements for the address and to provide due process for the respondent. The committee held several organizational meetings to develop clear rules of committee procedure. This was particularly important because there have been no addresses before the legislature since the adoption of the 1966 amendment. The committee believes that based on the 1966 amendment to Article 73, the address is a legislative procedure to be used with great care and in circumstances where there is reasonable cause for removal. The committee discussed and formally adopted Special Rules of Procedure. Two separate days of hearings were held to provide the sponsors of the bill, the public, and the Chief Justice opportunities to testify.

The Special Rules of Procedure included the 1966 amendments in the Constitution which require the address to:

- a)state a reasonable cause for removal;
- b)be fully and substantially stated; and
- c)not be a cause which is sufficient ground for impeachment.

Members believe that there is a certain level of misperception about both the independence of each of the three branches of government as well as the level of cooperation that is necessary between the branches. The committee believes that a priority should be placed on establishing a better working relationship between the judiciary and the public and an improved relationship between the three branches.

#### **Vote 12-0. Ought Not to Pass.**

Rep. Henry Mock, Chair

Rep. Sheila Francoeur

Rep. Betsy Patten

Rep. John Pratt

Rep. John Thomas

Rep. Janet Wall

Sen. Debora Pignatelli, Vice-Chair

Sen. Lou D'Allesandro

Sen. Carl Johnson

Sen. Frederick King

Sen. John King

Sen. James Squires

Rep. Mirski spoke against and yielded to questions.

Rep. Kennedy spoke in favor and yielded to questions.

Rep. Alger spoke against.

Reps. Welch and Mock spoke in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

Rep. Vaillancourt withdrew his request for a roll call; seconds withdrawn.

Rep. Carol Moore requested a roll call; sufficiently seconded.

The question being the adoption of the report by the Joint Committee on Address.

**YEAS 256 NAYS 58**

**YEAS 256**

**BELKNAP**

Bartlett, Gordon  
Pilliod, James

Holbrook, Robert  
Thomas, John

Lawton, Robert  
Turner, Robert

Millham, Alida  
Wood, Jane

**CARROLL**

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy

**CHESHIRE**

Avery, Stephen  
Hunt, John  
McGuirk, Paul  
Pratt, John  
Royce, H Charles

Batchelder, Robert  
Lerandeau, Alfred  
Meador, David  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Riley, William  
Smith, Edwin

Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy  
Zerba, Roger

**COOS**

Davis, Perley  
Landers, Dana  
Woodward, David

Guay, Lawrence  
Mears, Edgar

Hawkinson, Marie  
Rodrigue, Robert

Horton, Lynn  
Tholl, John, Jr

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Nordgren, Sharon

Almy, Susan  
Guest, Robert  
Phinney, William

Copenhaver, Marion  
Ham, Bonnie  
Scanlan, David

Dudley, Terri  
Marshall, Gene  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Lucien  
Buckley, Raymond  
Clemons, Jane  
Daigle, Robert  
Durham, Susan  
Flora, Kathleen  
Gagnon, Eugene  
Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
LaPorte, George  
Lessard, Rudy  
Martel, Andre  
McGough, Tim  
Milligan, Robert  
Murphy, Robert  
Reidy, Frank  
Thulander, O Alan

Andrews, Frederick  
Bergin, Peter  
Calawa, Leon, Jr  
Cote, David  
Daniels, Gary  
Dwyer, Paul, Sr  
Ford, Nancy  
Gagnon, Paul  
Gorman, Mary  
Hansen, Herbert  
Konys, Christine  
LaRose, Richard  
Lozeau, Donnalee  
Martin, Mary  
Melcher, Harold  
Moran, Edward  
O'Connell, Timothy  
Sargent, Maxwell  
Turgeon, Roland

Arthur, Rose  
Brundige, Robert  
Carlson, Donald  
Coughlin, Pamela  
Desmarais, Vivian  
Dyer, Merton  
Foster, Linda  
Garrish, Linda  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Lasky, Bette  
Lynde, Harold  
McCarty, Winston  
Mercer, Robert  
Moriarty, Mary  
O'Hearn, Jane  
Simon, Anthony  
White, John

Batula, Peter  
Bruno, Pierre  
Chabot, Robert  
Craig, James  
Dokmo, Cynthia  
Fields, Dennis  
Franks, Suzan  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Holley, Sylvia  
L'Heureux, Robert  
Leonard, Peter  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Messier, Irene  
Mosher, William  
Reeves, Sandra  
Tate, Joan  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Lavoie, Gerard  
Maxfield, Roy  
Poulin, Dave  
Wallin, Jean  
Yeaton, Charles

Asplund, Bronwyn  
Davis, Francis  
French, Barbara  
Jacobson, Alf  
Leber, William  
Moore, Carol  
Rodd, Beth  
Wallner, Mary Jane

Bouchard, Candace  
Feuerstein, Martin  
Gile, Mary  
Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis  
Seldin, Gloria  
Whalley, Michael

Chase, George  
Fortnam, Janet  
Hager, Elizabeth  
Langer, Ray  
Marshall, Kenneth  
Potter, Frances  
Virtue, Carolyn  
Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
Blanchard, MaryAnn  
Cox, Russell

Arndt, Janet  
Case, Margaret  
Dalrymple, Janeen

Belanger, Ronald  
Christie, Andrew, Jr  
Dearborn, Bruce

Bishop, Franklin  
Cooney, Richard  
Dowling, Patricia

Fesh, Robert  
 Gleason, John  
 Hutchinson, Rebecca  
 Kelley, Jane  
 Lovejoy, Marian  
 Nowe, Mary Lou  
 Pitts, Jacqueline  
 Rubin, George  
 Shelton, Richard  
 Stritch, C Donald  
 Weatherspoon, Jackie

Flanders, John, Sr  
 Grant, Kenneth  
 Johnson, Robert  
 Kobel, Rudolph  
 McKinney, Betsy  
 Nowe, Ronald  
 Priestley, Anne  
 Ruffner, Walter  
 Shultis, Elizabeth  
 Vaughn, Charles  
 Welch, David

Francoeur, Sheila  
 Griffin, Mary  
 Katsakiores, George  
 Langley, Jane  
 Morse, Charles  
 O'Neil, Michael  
 Rabideau, Marie  
 Sabella, Norma  
 Splaine, James  
 Verani, Giovanni  
 Whittier, John

Gibbons, Paul  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Norelli, Terie  
 Pantelakos, Laura  
 Reardon, Neil  
 Sapareto, Frank  
 Stone, Joseph  
 Weare, Everett  
 Zolla, William

### STRAFFORD

Berube, Roger  
 DeChane, Marlene  
 Johnson, Nancy  
 Lent, Donald  
 Rogers, Rose Marie  
 Spang, Judith  
 Twardus, Joseph

Brennan, William  
 Dunlap, Patricia  
 Kaen, Naida  
 Lundborn, Raymond  
 Rollo, Michael  
 Spear, Barbara  
 Vachon, Dennis

Callaghan, Frank  
 Estabrook, Iris  
 Keans, Sandra  
 Pelletier, Arthur  
 Smith, Marjorie  
 Taylor, Kathleen  
 Vincent, Francis

Cossette, Larry  
 Gilmore, Gary  
 Knowles, William  
 Pelletier, Marsha  
 Snyder, Clair  
 Torr, Franklin  
 Wall, Janet

### SULLIVAN

Allison, David  
 Jones, Constance

Burling, Peter  
 Kibbey, David

Cloutier, John  
 Robb-Theroux, Amy

Donovan, Thomas, Jr

### NAYS 58

### BELKNAP

Boyce, Robert  
 Rosen, Ralph

Czech, Stanley  
 Wendelboe, Francine

Johnson, James

Lawton, David

### CARROLL

Babson, David, Jr

Dickinson, Howard

Howard, Godfrey

Sullivan, P Judith

### CHESHIRE

Roberts, William

Rose, William

### COOS

None

### GRAFTON

Alger, John  
 Hall, David

Brothers, Richard  
 Harmon, Hobart

Cobb, John  
 Mirski, Paul

Gilman, G Michael  
 Weber, Phil

### HILLSBOROUGH

Arnold, Thomas, Jr  
 Desrosiers, William  
 Jean, Loren  
 Vaillancourt, Steve

Beaupre, Roland  
 Drabinowicz, A  
 Ouellette, Dean  
 Wall, Nancy

Christiansen, Lars  
 Fenton, James  
 Pappas, Marc  
 White, Donald

Clegg, Robert, Jr  
 Hunter, Bruce  
 Pepino, Leo  
 Williams, Carol

### MERRIMACK

Brewster, Richard

Larrabee, David, Sr

Marple, Richard

### ROCKINGHAM

Beaulieu, Jon  
 Dolan, Richard  
 Noyes, Richard  
 Raynowska, Bernard

Clark, Vivian  
 Flanagan, Natalie  
 Packard, Sherman  
 Stickney, Nancy

Corbin, C David  
 Mikowski, Walter  
 Putnam, Ed, II  
 Weyler, Kenneth

Cote, Patricia  
 Moore, Benjamin  
 Quandt, Marshall

**STRAFFORD**

McKinley, Robert

Woods, Phyllis

**SULLIVAN**

Phinizy, James

Tuthill, John

and the report was adopted.

Reps. Dalianis, DiFruscia, Varrell and Ward declared conflicts of interest and did not participate.

**MOTION TO PRINT REMARKS**

Rep. Wendelboe moved that the remarks made during the debate on *HA 1*, for the removal of David A. Brock, chief justice of the New Hampshire supreme court, from his said office, be printed in the Journal.

On a division vote, 136 members having voted in the affirmative and 174 in the negative, the motion failed.

**UNANIMOUS CONSENT**

Rep. Copenhagen addressed the House.

Rep. Manning moved that the remarks made by Rep. Copenhagen be printed in the Journal.

Adopted.

Rep. Copenhagen: I am here, and I thank you, members of the House. Today is the last day of a very contentious, tumultuous session. I think we would be remiss, however, if we did not recognize, the long, dedicated service of the House Nurse, Lois Spearman. The 21 years she has quietly tended to the various ills of this body should be noteworthy. I fortunately have not needed her expertise but have been comforted knowing that she was there. Those of you with asthma, heart conditions, post-surgery needs know all too well what a fine, supportive human being Lois has been. So, Madame Speaker, I ask this House to salute Lois Spearman for her 21 years in keeping us fit and able to push the buttons on our voting machines. Thank you.

**RECESS**

**(Speaker Sytek in the Chair)**

**CONSENT CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

Rep. Chandler moved that the Consent Calendar of Committee of Conference Reports on House Bills, as printed and distributed, be adopted.

**HB 331**, relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers, removed by Rep. Keith Herman.

**HB 252** establishing a committee to study all aspects of the condominium act established under RSA 356-B, removed by Rep. Vachon.

Consent Calendar adopted.

**HB 69**, relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees. (Report printed in SJ 27, 7/1/99)

**HB 333**, relative to contracts between participating providers and managed care entities. (Report printed in SJ 27, 7/1/99)

**HB 369**, establishing a committee on educational programs on tobacco use for minors. (Report printed in SJ 27, 7/1/99)

**HB 408**, relative to drug formularies under managed care entities. (Report printed in SJ 27, 7/1/99)

**HB 428**, relative to school administrative units. (Report printed in SJ 27, 7/1/99)

**HB 463-L**, relative to local regulation of junk yards and altering the definition of federal aid primary system for purposes of the laws regarding highways regulations, protection and control regulations. (Report printed in SJ 27, 7/1/99)

**HB 562**, relative to the date of decision for appeals of zoning matters. (Report printed in SJ 27, 7/1/99)

**HB 563**, relative to names of limited liability partnerships and companies and cooperative associations. (Report printed in SJ 27, 7/1/99)

**HB 584-FN**, relative to administrative license suspensions. (Report printed in SJ 27, 7/1/99)



**RECONSIDERATION**

Rep. Dalrymple moved that the House reconsider its action whereby it adopted the Committee of Conference Report on **SB 140**, relative to ear and body piercing, spoke in favor and yielded to questions. Reconsideration prevailed.

Rep. Dalrymple spoke against the Committee of Conference Report on **SB 140** and yielded to questions.

The Committee of Conference Report failed.

**CONFERENCE COMMITTEE DISCHARGED REQUESTS NEW CONFERENCE**

Rep. Dalrymple moved that the House discharge the Committee of Conference on **SB 140**, relative to ear and body piercing, and request a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Dalrymple, Manning, Seldin and Batula.

**REGULAR CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

**HB 25-A**, making appropriations for capital improvements. (Report printed in SJ 27, 7/1/99)

Rep. Edwin Smith spoke in favor.

Adopted.

**HB 112-FN-A**, increasing the tobacco tax and imposing the tax on all types of tobacco products. (Report printed in SJ 27, 7/1/99)

Rep. Eaton spoke against and yielded to questions.

Reps. Lozeau and Buckley spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

**YEAS 217 NAYS 96****YEAS 217****BELKNAP**

Czech, Stanley  
Thomas, John

Holbrook, Robert  
Turner, Robert

Millham, Alida  
Wood, Jane

Rosen, Ralph

**CARROLL**

Bradley, Jeb  
Patten, Betsey

Chandler, Gene  
Philbrick, Donald

Howard, Godfrey

Lyman, L Randy

**CHESHIRE**

Batchelder, Robert  
Lerandeau, Alfred  
Mitchell, McKim  
Riley, William  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Pratt, Irene  
Roberts, William  
Smith, Edwin

Doucette, Richard  
Manning, Joseph  
Pratt, John  
Rose, William  
Zerba, Roger

Hunt, John  
Meader, David  
Richardson, Barbara  
Royce, H Charles

**COOS**

Davis, Perley  
Mears, Edgar

Hawkinson, Marie  
Pratt, Leighton

Horton, Lynn  
Tholl, John, Jr

Landers, Dana  
Woodward, David

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Marshall, Gene

Almy, Susan  
Dudley, Terri  
Nordgren, Sharon

Brothers, Richard  
Guest, Robert  
Phinney, William

Copenhaver, Marion  
Harmon, Hobart  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Brundige, Robert  
Carlson, Donald

Andrews, Frederick  
Bruno, Pierre  
Chabot, Robert

Bergeron, Lucien  
Buckley, Raymond  
Clegg, Robert, Jr

Bergin, Peter  
Calawa, Leon, Jr  
Clemons, Jane

Cote, David  
Desmarais, Vivian  
Dyer, Merton  
Ford, Nancy  
Gagnon, Paul  
Gorman, Mary  
Holley, Sylvia  
LaRose, Richard  
Melcher, Harold  
Moriarty, Mary  
Pappas, Marc  
Reidy, Frank  
Tate, Joan  
Withee, Dennis

Coughlin, Pamela  
Dokmo, Cynthia  
Fenton, James  
Foster, Linda  
Garrish, Linda  
Haettenschwiler, Alphonse  
Konys, Christine  
Lasky, Bette  
Mercer, Robert  
Mosher, William  
Pepino, Leo  
Sarette, John  
Thulander, O Alan

Craig, James  
Durham, Susan  
Fields, Dennis  
Franks, Suzan  
Ginsburg, Ruth  
Hansen, Herbert  
Kurk, Neal  
Lozeau, Donnalee  
Messier, Irene  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell  
Turgeon, Roland

Dalianis, Griffin  
Dwyer, Paul, Sr  
Flora, Kathleen  
Gagnon, Eugene  
Goley, Jeffrey  
Herman, Keith  
L'Heureux, Robert  
Lynde, Harold  
Moran, Edward  
O'Hearn, Jane  
Reeves, Sandra  
Simon, Anthony  
White, John

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Langer, Ray  
Potter, Frances  
St Cyr, Gerard  
Whalley, Michael

Asplund, Bronwyn  
Davis, Francis  
French, Barbara  
Lavoie, Gerard  
Poulin, Dave  
Virtue, Carolyn  
Whittemore, James

Brewster, Richard  
Feuerstein, Martin  
Jacobson, Alf  
Leber, William  
Rodd, Beth  
Wallin, Jean  
Yeaton, Charles

Chase, George  
Fortnam, Janet  
Kennedy, Richard  
Moore, Carol  
Seldin, Gloria  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Cox, Russell  
Dolan, Richard  
Gleason, John  
Johnson, Robert  
Langley, Jane  
Norelli, Terie  
O'Neil, Michael  
Shelton, Richard  
Vaughn, Charles  
Zolla, William

Arndt, Janet  
Clark, Vivian  
Dalrymple, Janeen  
Flanders, John, Sr  
Griffin, Mary  
Katsakiores, George  
Letourneau, Robert  
Nowe, Mary Lou  
Reardon, Neil  
Shultis, Elizabeth  
Weare, Everett

Belanger, Ronald  
Cooney, Richard  
Dearborn, Bruce  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
Lovejoy, Marian  
Nowe, Ronald  
Ruffner, Walter  
Stone, Joseph  
Weatherspoon, Jackie

Blanchard, MaryAnn  
Cote, Patricia  
DiFruscia, Anthony  
Gibbons, Paul  
Hutchinson, Rebecca  
Kelley, Jane  
Mikowski, Walter  
Noyes, Richard  
Sabella, Norma  
Stritch, C Donald  
Whittier, John

### STRAFFORD

Cossette, Larry  
Estabrook, Iris  
Lundborn, Raymond  
Rogers, Rose Marie  
Spang, Judith  
Wall, Janet

DeChane, Marlene  
Gilmore, Gary  
McKinley, Robert  
Rollo, Michael  
Spear, Barbara  
Woods, Phyllis

Domingo, Baldwin  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen

Dunlap, Patricia  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

### SULLIVAN

Allison, David  
Jones, Constance

Burling, Peter  
Robb-Theroux, Amy

Cloutier, John

Donovan, Thomas, Jr

### NAYS 96

### BELKNAP

Bartlett, Gordon  
Pilliod, James

Boyce, Robert  
Wendelboe, Francine

Johnson, James

Lawton, David

**CARROLL**

Babson, David, Jr	Dickinson, Howard	Kenney, Joseph	MacDonald, Kenneth
Mock, Henry	Sullivan, P Judith		

**CHESHIRE**

Avery, Stephen	McGuirk, Paul	Robertson, Timothy
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**COOS**

Guay, Lawrence	Rodrigue, Robert
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**GRAFTON**

Cobb, John	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Hinman, Harry	Mirski, Paul	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Arnold, Thomas, Jr	Arthur, Rose	Batula, Peter	Beaupre, Roland
Christiansen, Lars	Daniels, Gary	Drabinowicz, A	Goulet, Maurice
Hall, Betty	Jean, Loren	Keye, Harvey	LaPorte, George
Leonard, Peter	Lessard, Rudy	MacGillivray, Jeffrey	Martel, Andre
Martin, Mary	McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim
Murphy, Robert	Ouellette, Dean	Vaillancourt, Steve	Wall, Nancy
White, Donald	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Gile, Mary	Hess, David	Larrabee, David, Sr
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Nichols, Avis			

**ROCKINGHAM**

Beaulieu, Jon	Bishop, Franklin	Corbin, C David	Fesh, Robert
Flanagan, Natalie	Grant, Kenneth	Kobel, Rudolph	McKinney, Betsy
Morse, Charles	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Rubin, George	Sapareto, Frank	Stickney, Nancy
Varrell, Thomas	Verani, Giovanni	Welch, David	Weyler, Kenneth

**STRAFFORD**

Brennan, William	Callaghan, Frank	Johnson, Nancy	Kaen, Naida
Lent, Donald	Torr, Franklin	Twardus, Joseph	

**SULLIVAN**

Kibbey, David	Phinizy, James	Tuthill, John
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and the report was adopted.

Rep. Letourneau voted Yea and intended to vote Nay.

**MOTION TO PRINT REMARKS**

Rep. Foster moved that the remarks made by Rep. Buckley during the debate on the Committee of Conference Report on **SB 112**, be printed in the Journal.

The motion failed.

**SENATE MESSAGE****ACCEDES TO REQUEST FOR NEW COMMITTEE OF CONFERENCE**

**SB 140**, an act relative to ear and body piercing.

The President appointed Sens. Wheeler, Squires and McCarley.

**COMMITTEE OF CONFERENCE REPORT ON SB 140**

Committee of Conference Report on SB 140, an act relative to ear and body piercing.

**Recommendation:**

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Chapter; Ear Piercing. Amend RSA by inserting after chapter 141-H the following new chapter:

**CHAPTER 141-I**

**EAR PIERCING**

141-I:1 Ear Piercing. All ear piercing devices, including but not limited to earrings, needles, and associated parts, that come in direct contact with the client's skin during the ear piercing process shall be single-use prepackaged sterilized units. Reusable stabilizing devices used in ear piercing that come in direct contact with the client's skin shall be cleaned and sterilized after each use in accordance with rules adopted pursuant to RSA 314-A. Any person violating the provisions of this chapter shall be guilty of a violation. Nothing in this chapter shall be construed to affect persons operating in compliance with the New Hampshire code of administrative rules, HE-P 1103.02.

**AMENDED ANALYSIS**

This bill requires persons engaged in piercing the ears of the human body to use single-use prepackaged sterilized units.

Conferees: Sens. Wheeler, Dist. 21; Squires, Dist. 12 and McCarley, Dist. 6.

Conferees: Dalrymple, Rock. 26; Manning, Ches. 9; Seldin, Merr. 17 and Batula, Hills. 18.

Adopted.

**REGULAR CALENDAR**

**COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D.)**

**HB 291**, establishing a study committee for seed sterilization technology or "terminator" technology. (Report printed in SJ 27, 7/1/99)

Rep. Babson spoke in favor.

Adopted.

**HB 341**, relative to the process for non-renewal of teacher contracts. (Report printed in SJ 27, 7/1/99)

Rep. O'Hearn spoke in favor.

Adopted.

Rep. Mirski declared a conflict of interest and did not participate.

**HB 491**, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements. (Report printed in SJ 27, 7/1/99)

Rep. Packard spoke in favor and yielded to questions.

Rep. Rodrigue spoke against.

Rep. LaPorte spoke in favor.

Rep. Packard requested a roll call; sufficiently seconded.

**YEAS 211 NAYS 98**

**YEAS 211**

**BELKNAP**

Bartlett, Gordon  
Johnson, James  
Turner, Robert

Boyce, Robert  
Millham, Alida  
Wendelboe, Francine

Czech, Stanley  
Pilliod, James  
Wood, Jane

Holbrook, Robert  
Thomas, John

**CARROLL**

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		

**CHESHIRE**

Batchelder, Robert	Lerandeau, Alfred	Manning, Joseph	Pratt, Irene
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin

**COOS**

Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mears, Edgar	Pratt, Leighton	Tholl, John, Jr	

**GRAFTON**

Akins, Ralph	Brothers, Richard	Cobb, John	Copenhaver, Marion
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Harmon, Hobart
Hinman, Harry	Marshall, Gene	Nordgren, Sharon	Phinney, William
Scanlan, David	Weber, Phil		

**HILLSBOROUGH**

Arnold, Thomas, Jr	Arthur, Rose	Batula, Peter	Beaupre, Roland
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Clegg, Robert, Jr
Clemons, Jane	Cote, David	Coughlin, Pamela	Craig, James
Dalianis, Griffin	Daniels, Gary	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Fenton, James
Fields, Dennis	Flora, Kathleen	Ford, Nancy	Foster, Linda
Gagnon, Eugene	Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Holley, Sylvia	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaPorte, George	LaRose, Richard
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
Melcher, Harold	Messier, Irene	Moriarty, Mary	Mosher, William
Murphy, Robert	O'Hearn, Jane	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	White, Donald
White, John	Withee, Dennis		

**MERRIMACK**

Asplund, Bronwyn	Bouchard, Candace	Daneault, Gabriel	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Hess, David	Jacobson, Alf	Langer, Ray	Larrabee, David, Sr
Marshall, Kenneth	Moore, Carol	Potter, Frances	Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr
Clark, Vivian	Cooney, Richard	Cote, Patricia	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Letourneau, Robert
Lovejoy, Marian	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Packard, Sherman

Pitts, Jacqueline  
Reardon, Neil  
Shultis, Elizabeth  
Verani, Giovanni  
Weyler, Kenneth

Priestley, Anne  
Rubin, George  
Stritch, C Donald  
Weare, Everett  
Whittier, John

Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas  
Weatherspoon, Jackie  
Zolla, William

Rabideau, Marie  
Shelton, Richard  
Vaughn, Charles  
Welch, David

### STRAFFORD

Callaghan, Frank  
Kaen, Naida  
Pelletier, Marsha  
Torr, Franklin

Cossette, Larry  
Knowles, William  
Rogers, Rose Marie  
Wall, Janet

Dunlap, Patricia  
McKinley, Robert  
Snyder, Clair  
Woods, Phyllis

Gilmore, Gary  
Pelletier, Arthur  
Spear, Barbara

### SULLIVAN

Burling, Peter

Cloutier, John

Donovan, Thomas, Jr

Jones, Constance

### NAYS 98

### BELKNAP

Lawton, David

Rosen, Ralph

### CARROLL

Babson, David, Jr

Dickinson, Howard

### CHESHIRE

Avery, Stephen  
Lynch, Margaret  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Riley, William

Doucette, Richard  
Meador, David  
Robertson, Timothy

Hunt, John  
Mitchell, McKim  
Russell, Ronald

### COOS

Landers, Dana

Rodrigue, Robert

Woodward, David

### GRAFTON

Almy, Susan  
Ham, Bonnie

Densmore, Jessica  
Mirski, Paul

Guest, Robert  
Solow, Martha

Hall, David  
Ward, Brien

### HILLSBOROUGH

Ahern, Richard  
Desmarais, Vivian  
Lynde, Harold  
Mercer, Robert  
Reidy, Frank  
Williams, Carol

Andrews, Frederick  
Franks, Suzan  
Martin, Mary  
Moran, Edward  
Sarette, John

Bergeron, Lucien  
Herman, Keith  
McDonough-Wallace, Alice  
O'Connell, Timothy  
Vaillancourt, Steve

Christiansen, Lars  
Jean, Loren  
McGough, Tim  
Ouellette, Dean  
Wall, Nancy

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Marple, Richard  
Rodd, Beth  
Wallin, Jean

Brewster, Richard  
Lavoie, Gerard  
Maxfield, Roy  
Seldin, Gloria  
Whittemore, James

Chase, George  
Leber, William  
Nichols, Avis  
St Cyr, Gerard  
Yeaton, Charles

Davis, Francis  
Lockwood, Priscilla  
Poulin, Dave  
Virtue, Carolyn

### ROCKINGHAM

Corbin, C David  
Kelley, Jane  
Raynowska, Bernard

Dolan, Richard  
Kobel, Rudolph  
Sabella, Norma

Fesh, Robert  
Norelli, Terie  
Sapareto, Frank

Hutchinson, Rebecca  
Putnam, Ed, II  
Stickney, Nancy

**STRAFFORD**

Brennan, William  
Johnson, Nancy  
Rollo, Michael  
Twardus, Joseph

DeChane, Marlene  
Keans, Sandra  
Smith, Marjorie  
Vachon, Dennis

Domingo, Baldwin  
Lent, Donald  
Spang, Judith

Estabrook, Iris  
Lundborn, Raymond  
Taylor, Kathleen

**SULLIVAN**

Kibbey, David

Phinizy, James

Robb-Theroux, Amy

Tuthill, John

and the report was adopted.

**HB 265**, relative to the student trustees on the university system of New Hampshire board of trustees. (Report printed in SJ 27, 7/1/99)

Reps. Chandler and Burling spoke in favor

Rep. Jacobson spoke against and yielded to questions.

Rep. Lockwood spoke against.

Rep. Hess spoke in favor and yielded to questions.

**MOTION TO SPECIAL ORDER**

Rep. Chandler moved that Committee of Conference report on **HB 265**, relative to the student trustees on the university system of New Hampshire board of trustees, be made a Special Order for the end of the day's calendar.

Adopted.

**REGULAR CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D.)**

**HB 616-FN-A**, establishing a house study committee to consider issues related to the driver training fund. (Report printed SJ 27, 7/1/99)

Rep. Packard spoke in favor.

Adopted.

**HB 664**, establishing a study committee on rights of ownership to cemetery plots. (Report printed SJ 27, 7/1/99)

Rep. Patten spoke in favor.

Adopted.

**HB 676-FN-A**, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor. (Report printed SJ 27, 7/1/99)

Rep. Packard spoke in favor.

Adopted.

**HB 684**, making adjustments to the fiscal year 1999 budget for the department of health and human services. (Report printed SJ 27, 7/1/99)

Rep. Hess spoke in favor and yielded to questions.

Rep. Sapareto spoke against and yielded to questions.

Rep. Vaillancourt spoke against.

On a division vote, 187 members having voted in the affirmative and 101 in the negative, the report was adopted.

**HB 689-FN**, establishing a committee to study campaign contributions and expenditures. (Report printed SJ 27, 7/1/99)

Rep. Horton spoke in favor.

Adopted.

**HB 685-FN-A**, relative to the duties of the New Hampshire land and community heritage commission. (Report printed SJ 27, 7/1/99)

Rep. Whalley spoke in favor.

Adopted.

**HB 252**, establishing a committee to study all aspects of the condominium act established under RSA 356-B. (Report printed SJ 27, 7/1/99)

Rep. Keith Herman spoke in favor and yielded to questions.

Rep. Vachon spoke against.

Rep. DiFruscia spoke against and yielded to questions.

Rep. McGough spoke in favor.

On a division vote, 76 members having voted in the affirmative and 210 in the negative, the report failed.

**HB 331**, relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers. (Report printed SJ 27, 7/1/99)

Rep. Herman spoke in favor.

Rep. Arthur spoke against.

Rep. Chandler spoke in favor and yielded to questions.

Rep. Chandler requested a roll call; sufficiently seconded.

## YEAS 210 NAYS 81

### YEAS 210

#### BELKNAP

Bartlett, Gordon  
Millham, Alida  
Wood, Jane

Czech, Stanley  
Pilliod, James

Holbrook, Robert  
Thomas, John

Johnson, James  
Turner, Robert

#### CARROLL

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard  
Patten, Betsey

Howard, Godfrey  
Sullivan, P Judith

#### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Pratt, John  
Royce, H Charles

Burnham, Daniel  
Lynch, Margaret  
Richardson, Barbara  
Russell, Ronald

Doucette, Richard  
Mitchell, McKim  
Riley, William  
Smith, Edwin

Hunt, John  
Pratt, Irene  
Robertson, Timothy  
Zerba, Roger

#### COOS

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Tholl, John, Jr

Hawkinson, Marie  
Woodward, David

Horton, Lynn

#### GRAFTON

Akins, Ralph  
Copenhaver, Marion  
Guest, Robert  
Nordgren, Sharon

Almy, Susan  
Densmore, Jessica  
Ham, Bonnie  
Phinney, William

Brothers, Richard  
Dudley, Terri  
Hinman, Harry  
Solow, Martha

Cobb, John  
Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

#### HILLSBOROUGH

Ahern, Richard  
Bergin, Peter  
Chabot, Robert  
Dalianis, Griffin  
Dyer, Merton  
Ford, Nancy  
Garrish, Linda  
Haettenschwiller, Alphonse  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Mercer, Robert

Andrews, Frederick  
Bruno, Pierre  
Christiansen, Lars  
Dokmo, Cynthia  
Fenton, James  
Foster, Linda  
Ginsburg, Ruth  
Herman, Keith  
LaPorte, George  
Lozeau, Donnalee  
McDonough-Wallace, Alice  
Messier, Irene

Arnold, Thomas, Jr  
Buckley, Raymond  
Cote, David  
Durham, Susan  
Fields, Dennis  
Franks, Suzan  
Goley, Jeffrey  
Holley, Sylvia  
LaRose, Richard  
Martel, Andre  
McGough, Tim  
Moran, Edward

Beaupre, Roland  
Calawa, Leon, Jr  
Coughlin, Pamela  
Dwyer, Paul, Sr  
Flora, Kathleen  
Gagnon, Eugene  
Goulet, Maurice  
Konys, Christine  
Leishman, Peter  
Martin, Mary  
Melcher, Harold  
Mosher, William



Murphy, Robert  
Pappas, Marc  
White, Donald

O'Connell, Timothy  
Reidy, Frank  
White, John

O'Hearn, Jane  
Sarette, John  
Withee, Dennis

Ouellette, Dean  
Sargent, Maxwell

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
French, Barbara  
Lockwood, Priscilla  
Poulin, Dave  
Whalley, Michael

Asplund, Bronwyn  
Davis, Francis  
Gile, Mary  
Maxfield, Roy  
Rodd, Beth  
Whittemore, James

Bouchard, Candace  
Feuerstein, Martin  
Hess, David  
Moore, Carol  
Wallin, Jean  
Yeaton, Charles

Brewster, Richard  
Fortnam, Janet  
Leber, William  
Nichols, Avis  
Wallner, Mary Jane

### ROCKINGHAM

Arndt, Janet  
Case, Margaret  
Fesh, Robert  
Gleason, John  
Hutchinson, Rebecca  
Kelley, Jane  
Lovejoy, Marian  
Norelli, Terie  
Packard, Sherman  
Reardon, Neil  
Varrell, Thomas  
Welch, David

Belanger, Ronald  
Clark, Vivian  
Flanagan, Natalie  
Grant, Kenneth  
Johnson, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Mary Lou  
Pitts, Jacqueline  
Sabella, Norma  
Vaughn, Charles  
Whittier, John

Bishop, Franklin  
Cote, Patricia  
Flanders, John, Sr  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Mikowski, Walter  
Nowe, Ronald  
Priestley, Anne  
Shultis, Elizabeth  
Verani, Giovanni

Blanchard, MaryAnn  
Dearborn, Bruce  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Rabideau, Marie  
Stritch, C Donald  
Weatherspoon, Jackie

### STRAFFORD

Callaghan, Frank  
Johnson, Nancy  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Woods, Phyllis

DeChane, Marlene  
Kaen, Naida  
Lundborn, Raymond  
Rollo, Michael  
Spear, Barbara

Dunlap, Patricia  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Vachon, Dennis

Estabrook, Iris  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Wall, Janet

### SULLIVAN

Burling, Peter  
Tuthill, John

Cloutier, John

Donovan, Thomas, Jr

Jones, Constance

### NAYS 81

### BELKNAP

Rosen, Ralph

Wendelboe, Francine

### CARROLL

Babson, David, Jr

Kenney, Joseph

Mock, Henry

Philbrick, Donald

### CHESHIRE

McGuirk, Paul

Meador, David

Roberts, William

Rose, William

### COOS

Landers, Dana

Pratt, Leighton

### GRAFTON

Gilman, G Michael  
Weber, Phil

Hall, David

Harmon, Hobart

Scanlan, David

### HILLSBOROUGH

Arthur, Rose  
Carlson, Donald

Batula, Peter  
Clemons, Jane

Bergeron, Lucien  
Daniels, Gary

Brundige, Robert  
Desmarais, Vivian

Drabinowicz, A  
Jean, Loren  
Leonard, Peter  
Reeves, Sandra  
Vaillancourt, Steve

Gagnon, Paul  
Keye, Harvey  
MacGillivray, Jeffrey  
Simon, Anthony  
Wall, Nancy

Gorman, Mary  
L'Heureux, Robert  
Moriarty, Mary  
Thulander, O Alan  
Williams, Carol

Hall, Betty  
Lasky, Bette  
Peterson, Andrew  
Turgeon, Roland

### MERRIMACK

Chase, George  
Langer, Ray  
Marshall, Kenneth

Fraser, Marilyn  
Larrabee, David, Sr  
Potter, Frances

Jacobson, Alf  
Lavoie, Gerard  
St Cyr, Gerard

Kennedy, Richard  
Marple, Richard  
Virtue, Carolyn

### ROCKINGHAM

Abbott, Dennis  
Cox, Russell  
Putnam, Ed, II  
Sapareto, Frank  
Weyler, Kenneth

Beaulieu, Jon  
DiFruscia, Anthony  
Quandt, Marshall  
Shelton, Richard  
Zolla, William

Christie, Andrew, Jr  
Dolan, Richard  
Raynowska, Bernard  
Stickney, Nancy

Cooney, Richard  
Gibbons, Paul  
Ruffner, Walter  
Weare, Everett

### STRAFFORD

Brennan, William  
Twardus, Joseph

Domingo, Baldwin

Gilmore, Gary

McKinley, Robert

### SULLIVAN

Kibbey, David

Phinizy, James

and the report was adopted.

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 464**, relative to electric rate reduction financing. (Amendment printed SJ 27, 7/1/99)

Rep. Bradley moved that the House concur and spoke in favor.

Rep. Norelli spoke in favor.

Adopted.

### REMARKS

Rep. Chandler moved that the remarks made by Reps. Norelli and Bradley be printed in the Journal.

Adopted.

Rep. Norelli: Thank you, Madam Speaker. A couple of weeks ago I spent an afternoon testifying on behalf of the Science, Technology and Energy Committee before the Finance Committee and after that a couple of my colleagues on the Energy Committee said to me, "Boy, we don't understand all that stuff you guys do in Science and Technology. We aren't really interested in that, but thank goodness somebody's doing it." I think that view is probably shared by a lot of people, other members of the House, and that's probably the reason that the Speaker has asked Rep. Bradley and myself to do two things with regard to this bill that we're addressing now. One is to put in your seat pockets a summary of House Bill 464 and the second is to give you all the information we can give you this afternoon. Keeping in mind it is late in the day, the last day, this bill deals with an issue that potentially is as significant as Claremont and which has received a lot of media play but almost no attention in the House. Given the time, but also given the significance of the issue in front of us, I'm going to try to make it as pleasant as possible and as clear as possible what it is we would like to accomplish this afternoon.

Back in the mid-90's, as it is today, New Hampshire had the highest electric rates in the country. Consequently, this legislature enacted HB 1392, which was the restructuring legislation, with the intent to bring New Hampshire to competition in electric generation to customer choice. Consequently, we hoped to lower rates in the near term and in the long term. In February, 1997, the Public Utilities Commission issued its final order on restructuring and within a couple of days Public Service of New Hampshire was in court to sue the state.

Rep. Bradley, I believe, is going to give you an update on what the status of that litigation that's currently in federal court in Rhode Island is. But there is one issue that I have heard a couple of people say to me over the last couple of days that they really don't understand and that issue is at the very base of moving from, transitioning from, a monopoly situation that we are in to a competitive situation and that is the concept of stranded costs.

Under a monopoly situation, a utility is guaranteed to recover their prudent investments with a certain rate of return. If it's determined that a utility should invest, let's say \$100,000, in a certain generating asset, then they are guaranteed to recover that \$100,000 with whatever the rate of return is. Over time, the book value of that asset would go down and let's say it gets down to \$60,000, and at that time, for whatever reason, the actual market value of that asset is only \$40,000. Under a regulated, monopoly situation that we have now, the utility would still recover the entire \$60,000. But, as we move to competition, they can only recover the \$40,000 of actual market value, so there is \$20,000 once we get to competition that that utility was told they would recover and all of a sudden there is no place to recover it. That \$20,000 difference in this particular instance is what is known as stranded costs. And that's sort of at the base of all the settlement negotiations and the litigation that's going on.

While this litigation has been going on, simultaneously there have been settlement negotiations. Granite State Electric Company met with various parties to see if they could reach sort of a settlement agreement that would get them in their territory to restructuring. Likewise, Unitil was meeting with various parties to see if they could reach a settlement agreement and PSNH off and on over the last couple of years has been meeting with various parties to see if they could reach a settlement agreement. Granite State Electric and other parties did eventually sign off on a proposed settlement that was filed with the Public Utilities Commission. After that, the PUC held a lengthy, several months, adjudicatory hearing process and at the end of that process approved the settlement agreement with conditions. In other words, they said there are certain changes that you have to make to this settlement in order for us to approve it. In the case of Granite State, they said, "OK, we will accept those changes" and they moved forward with restructuring and customer choice in the Granite State territory. In the case of Unitil, the process was similar; they reached an agreement, filed a proposed settlement with PUC, there was a subsequent hearing process over several months at the end of which the PUC said, "We'll approve this settlement with conditions."

But in the case of Unitil, Unitil did not accept those conditions and that was the end of the settlement. In the case of Public Service of New Hampshire, as I said, over the last couple of year, we have been in and out of negotiations with Public Service of New Hampshire and as probably most of you know, because there has been a lot of press about it lately, they've been in negotiations with the state team for several months and have at last come to some agreement about settling the restructuring. One thing a lot of people may not recognize is that in the case of Granite State Electric and in the case of Unitil, the legislature played absolutely no part in that process in the sense that there wasn't any legislation that we had to vote on, there wasn't any approval that the legislature had to give either to the Granite State settlement or to the Unitil settlement. But in the case of Public Service of New Hampshire, a lot of people are saying, "What about this settlement? Should we approve it?"

So the question is, what makes the Public Service of New Hampshire settlement any different from the Granite State or the Unitil settlement? And that is, that the Public Service settlement includes, as part of that settlement, a refinancing mechanism that's known as securitization. And again, I believe, Rep. Bradley is going to talk a little bit more about what that exactly is. But the key point here is that it requires legislation by this body. That process is not going to take place today. That's not what we are voting on today. That process will, in fact, take place, the consideration of whether or not to pass securitization won't take place until early next session.

In a sense, because securitization is intimately tied to the settlement agreement, voting on securitization, in essence, is a vote on the settlement agreement. So, in the case of Public Service of New Hampshire, in fact, the legislature will play a very significant role.

So, I just want to take a second and let you know what the process is that we will be going through. Currently, the parties have filed with the Public Utilities Commission, a memorandum of understanding. That's a document that is roughly 25 pages and it outlines in broad respect the settlement agreement that the parties have reached. By August, it is anticipated that the parties will file with the Public Utilities Commission a very detailed settlement agreement. After that, just as in the case of Granite State and Unitil, there will be a long hearing process at the end of which the Public Utilities Com-

mission will have three options. They can approve the settlement, they can reject the settlement or they can approve the settlement with certain conditions. If the last case happens to be what happens, then Public Service would be able to accept or reject those conditions. At the end of that, if there is an agreement, then the legislature would have to consider, at that time, whether or not to authorize securitization. The question that we will have to answer, each and every one of us at that time, is, "Is the deal (that's presented to us at that time) good enough for us to say yes to securitization or is it not good enough?" Consequently, that's what House Bill 464 is all about. House Bill 464 does several things. The first is it sets out some legislative principles about what we think should happen in terms of customer benefits, before we would approve securitization. And again, I think Rep. Bradley is going to go over those principles - what they are and why we think they are important. The second thing that it does is to authorize the legislature to hire an independent consultant that would review and analyze both the settlement and securitization, and report back to the legislature through the Electric Utilities Restructuring Oversight Committee, as well as the House Science committee and the Senate Energy committee; make a report back to us about their analysis of the settlement and securitization. The legislation authorizes up to \$50,000 to do that; that money does not come out of the General Fund. It would be an assessment against the electric utilities. The third thing that this legislation does has to do with the fact the parties to the memorandum of understanding have asked the Public Utilities Commission to suspend various dockets that are currently pending before the Public Utilities Commission. These have to do with the FPPAC agreement and the rate base case. In this legislation, what we have said to the Commission is just not to be so quick to do that. To please encourage all the participants to file testimony and exhibits and data requests; and the reason for doing this is so that the Commission can build up a factual record that both the Commission and we in the legislature, come January or so, can use as a benchmark to compare the settlement agreement against other options. For instance, the option of what happens if there is no settlement agreement. The fourth thing that HB 464 does is to allow the Commission to hold hearings relative to securitization simultaneously as they are holding the hearings on settlement. It also allows them to issue a conditional securitization order which would have to be, at some future time if the legislature so chooses to do so, approved by the legislature. This would happen, as I said, probably in January and we would actually have four different options at that time. At that time there would be a settlement, there might be an issue on securitization, an order on securitization issued by the Commission and we would have four options. One option would be to approve securitization; the second option would be to reject securitization; and then we have a couple of options somewhere in between. One, as I see it, is similar to what the Commission has done in the Granite State and Unil settlement agreements and that is we could approve securitization with some conditions on it. We get to decide the dollar amount so, for example, one condition might be a different dollar amount than the Commission has recommended. The last option that the legislature would have at that time would be to say back to the Public Utilities Commission. "Well, you know what? We are not happy with the information you have given us; we really think you need to take another look at this; go ahead and hold some more hearings."

So, I think that in January, once we have had an opportunity to have all of this information, we have four options at our disposal at that time. We will be in good shape. The question that I have been asked by many people since the memorandum of understanding has come out is, "Is this a good deal?", and that's something I think is still to be determined; and that's exactly why we need to pass HB 464 today because we need to let the Commission know what the principles are that the legislature thinks are important before we pass securitization. We need to have the input of an independent consultant who can analyze the settlements securitization and report back to the House. And we need to have as much information about the pending rate case to be able to have a benchmark against which each and every one of us can compare the settlement agreement to know whether or not it's a good deal. Without HB 464, I don't believe we would be in as good a position to make the best judgement that we can make, and I don't believe the Commission would be in the best position to obtain the most concessions that they can on behalf of the ratepayers. So, I would ask each and every one of you, please, to support the concurrence with Senate amendments on HB 464. I tried to get Rep. Bradley to let me field only the easiest of questions but I think what we will do is defer questions until after he had a chance to fill you in on the rest of the details. But I would remind everybody that this is a very, very important issue that has potential, significant consequences for electric ratepayers in New Hampshire and that not only today, but between now and

January when we have to vote on this, to talk to as many members of the Science, Technology and Energy Committee with as many questions as you have, get them all answered, keep asking them between now and January. Thank you, Madam Speaker.

Rep. Bradley: Thank you, Madam Speaker. I know that at 4:45 p.m. on a hot day, I am taking my life in my hands when I get up here and I thank you very much for your attention. As Rep. Norelli indicated, I was going to speak about the history of this situation. We know it has been awful for 25 years so I don't think I need to go into that any more. The impact that having the highest average electric rate in the nation in New Hampshire – trust me, it's bad – and talk about the litigation, it's going terribly, I ought to move concurrence right now, Madam Speaker, but let me just say a couple of things to reiterate what Rep. Norelli said.

This bill does not approve this settlement or securitization. It sets up a process where all 400 of us and our 24 colleagues in the Senate will have ample opportunity and information to decide if the way that the settlement is proceeding is good and should be approved or needs to be improved, which I happen to believe it does, or should be rejected. The principles lay out the quid pro quos that we expect, the concessions from Public Service of New Hampshire. For you legislators who represent New Hampshire Electric Cooperative customers, there is a very key ingredient in here on an offer that has to be submitted from PSNH to resolve the Cooperative situation. As Rep. Norelli said, there are strong benchmark provisions in this legislation that we will have that adequate information so that our experts at the commission can look at this and advise us and we'll know where we are proceeding. There is language in here for a consultant that will help us in the independent review that's absolutely necessary. Madam Speaker, I'll just conclude by saying the process, the involvement, the public hearings that this bill seeks to create, as the color of our extensive handout shows, is designed to shed some sunshine and the light of ample discussion and debate by all New Hampshire citizens. That's what this bill is about and I would maintain it differs completely from the process of 1989. I believe that members of the legislature have learned from that process and will not repeat it again. Thank you.

Rep. Mock: Thank you, Madam Speaker. Representative Bradley you may have answered this question, I'm not too sure. Will this legislation permit, allow or help the New Hampshire Electric Cooperative, a company that serves my district, primarily to lower their rates as well as Public Service?

Rep. Bradley: It says to Public Service of New Hampshire that at the same time as the settlement, the final document is filed at the Public Utilities Commission, they must make an offer to resolve their differences between the Cooperative and PSNH. It doesn't absolutely resolve them, but at least they have to put an offer on the table and then the Coop will have some basis for response and that, quite frankly, has been a problem in the past. Rep. Mock, my mother lives in Tuftonboro which is a Cooperative territory so I'd be in real trouble were that not taken care of. They are going to put a roadblock up between Wolfeboro and Tuftonboro if this doesn't happen.

Rep. French: Thank you, Madam Speaker. Representative Bradley, if an organization is concerned about securitization being no higher than \$500 million, would this bill insure that?

Rep. Bradley: This bill will give adequate opportunity for every interested stake holder, business, customer group, individual citizen, to appear in front of the legislature, where we always welcome the public, and the Public Utilities Commission, so, obviously you're speaking to a certain extent, I believe, on behalf of the Campaign for Ratepayers Rights, which has indicated that they're willing to accept some level of securitization. So, yes, it will give them and every other organization ample opportunity to intervene with the legislature and the Commission.

Rep. French: Thank you, Representative Bradley. Would you also say that since this is a very important policy issue that we are working on, under ordinary circumstances we would have had ample time to talk about this and think about it, that therefore since we haven't, it is crucial that we all be income involved and informed in the process so that next year we make an informed, intelligent, responsible decision?

Rep. Bradley: Absolutely, Rep. French. I believe virtually every member of the Science, Technology and Energy Committee has or will intervene in the settlement docket that will be created at the Public Utilities Commission and for other members of the legislature who want to do the same.

That's a way to become much more knowledgeable, remembering that this is a vote today about an open process, information gathering and hopefully a rational decision, either yes, no or maybe with conditions, in the future.

Rep. MacGillivray: Thank you, Representative Bradley. Thank you, Madam Speaker. Am I correct, that if this bill doesn't pass we'll be worse off because the process would go forward; we wouldn't have our \$50,000 for an independent study and if, come January, we decided we liked the settlement, after looking at all the various things, we wouldn't be able to implement it immediately, we would have to wait six months additional while the Commission went through another whole round of hearings and so forth? Am I correct that we are, therefore, better off with this bill?

Rep. Bradley: The answer, Rep. MacGillivray, is yes, yes and yes. And we obviously welcome your support as a former member of the Science, Technology and Energy Committee.

Rep. Rose: Thank you, Madam Speaker. Rep. Bradley, isn't it true basically the first year they would give us a break of maybe 18 percent like the Governor said but that's not sure? Isn't it also true that after the first year, ratepayers in this state will be locked into 12 years of paying whatever PSNH wants us to? I say that because usually the Public Utilities Commission, the PUC, has been a rubber stamp in the past and they probably will be in the future.

Rep. Bradley: Let me start with your last question first and your last statement about the Public Utilities Commission being a rubber stamp. This legislature passed the first and, what remains to be the most aggressive deregulation law in the country, that did not guarantee recovery of stranded costs. The Public Utilities Commission took a very, very aggressive stand in implementing that order. It would have forced Public Service of New Hampshire to write-off \$400 million in stranded costs. I think most of us would have liked to have seen that happen. That was the cause of the litigation. Rep. Rose, I would say that we have a very determined Public Utilities Commission and it is determined to protect ratepayers.

Rep. Rose: Along with that same thing, you didn't answer the question that we will be locked into 12 years of paying increasing, increasing, increasing charges on the ratepayers of this state.

Rep. Bradley: That's if the settlement, as it was exactly filed by the Governor and the state negotiating team was approved without conditions and, most importantly, this legislature voted for that, yes, that would be the case. But, I would caution you, Representative, that those costs, you and I are paying in rates today. This is not something new. It is just a way of amortizing those costs out if we approve it; if we find that this is a good way of proceeding. If we don't, and it does not offer the adequate protections that all of us want, then I assume this legislature will reject that.

Rep. Rose: Are you aware that some people have said, and I think it was the Bartlett group, said that we could, New Hampshire could, take this over instead of PSNH we could buy out PSNH and do it ourselves and maybe ratepayers would get a bigger break.

Rep. Bradley: Rep. Rose, I'm glad you've asked that question. As I recall, that letter that was in the Josiah Bartlett paper urged the state of New Hampshire to actually go out and acquire stock of Northeast Utilities. Now, most of us, or a lot of us, are probably investors in this country, 50 percent of us own mutual funds or are involved in the stock market, how many of us would actually choose to invest our money, at \$18 a share, and purchase the Seabrook Nuclear Power Plant, Millstone 3 which has been out of service until recently for several years, Millstone 2 which has just been returned to service and the now-being-decommissioned Connecticut Yankee and Millstone 1 that will soon be? So, I would offer to you that that would be the worst situation that the state of New Hampshire could get involved with.

Rep. Rose: Of course, New Hampshire would not have to necessarily buy the whole of PSNH. It has been talked about that there are several things that could be done, like the lines and the poles could be sold separately and the rest of it could be divided up. Couldn't that happen?

Rep. Bradley: Yes, Representative, that is a possibility. It would need legislation to do that. You would have to go through the condemnation process. A determination of the value with all of the stranded costs would be part of that. Obviously, we would fight about that with Public Service of

New Hampshire. We would own those assets afterwards and I would question, Representative, if the state of New Hampshire wanted to be in the position of owning and operating the largest utility in the state.

Rep. Rose: Do you believe that most of this argument we've heard about, this HB 464, is mostly to help PSNH and we haven't heard a lot about, except for the first year, what's going to happen after the first year?

Rep. Bradley: I would disagree with that Representative as I think both myself and Representative Norelli have said, this is about creating a process by which we can decide if this settlement, or this settlement with changes, should be approved, rejected, or conditioned.

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 729**, adding social clubs recognized by the Internal Revenue Service to the definition of "charitable organization" for purposes of the laws governing raffles. (Amendment printed SJ 27, 7/1/99)  
Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 601**, allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, correcting out-of-date references and phraseology pertaining to the department of corrections, adding the position of warden of the Northern New Hampshire Correctional Facility to the unclassified system, and changing the personnel group status of the warden of the lakes region facility. (Amendment printed SJ 27, 7/1/99)

Rep. Goulet moved that the House concur, spoke in favor and yielded to questions.

On a division vote, 150 members voting in the affirmative and 118 in the negative, the motion was adopted.

**HB 208-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to deter sprawl. (Amendment printed SJ 27, 1/7/99)  
Rep. Hess moved that the House nonconcur and spoke in favor.

Adopted.

## NONCONCURRENCE

**HB 603**, relative to the performance audit and oversight committee

**HB 661-L**, relative to the scope of abatement appeals.

## REREFERRED TO COMMITTEE

**HB 75**, changing the number required for a quorum on the commission for human rights

**HB 448**, relative to the board of dental examiners and the regulation of dentists and dental hygienists.

## CONCURRENCE

**HB 653-FN-A**, increasing the personal needs allowance of nursing home residents and residents of residential care facilities and community residences and making an appropriation therefor.

**HB 709-FN-A-L**, relative to the railroad tax.

## AMENDMENT TO HOUSE RULES

Reps. Chandler and Burling offered the following:

### Amendment (1957h)

Amend House Rule 64 by inserting the following after the July 1, 1999 entry:

**September 7, 1999, Tuesday**

First day that requests for drafting of bills for introduction in the second year session may be filed with the Office of Legislative Services.

**October 7, 1999, Thursday**

Last day to file bill drafting requests.

**November 1, 1999, Monday**

Last day to report all re-referred bills from the first year session.

**November 10, 1999, Wednesday**

Last day to file legislation relating to subject matter of study committees.

**November 22, 1999, Monday**

Last day to sign off all bills requiring fiscal notes (FNs) and study committee bills. Sign off shall be 10 calendar days after receipt by the sponsor of the draft legislation or November 22, whichever day is earlier.

**December 6, 1999, Monday**

Last day to sign off all other bills. Sign-off shall be 10 calendar days after receipt by the sponsor of the draft legislation or December 6, whichever day is earlier.

**December 21, 1999, Tuesday**

Availability of chairmen's copies of all bills and resolutions.

Rep. Lozeau spoke in favor.

Adopted.

**GOVERNOR'S VETO MESSAGE ON HOUSE BILL 527**

June 25, 1999

To the Honorable Members of the General Court:

I have this day vetoed House Bill 527, An Act relative to the duties of the public utilities commission. Section 2 of H.B. 527 repeals the existing state ethics law prohibiting the members of the Public Utilities Commission and senior staff of the commission from future employment with regulated utilities for two years and replaces it with a less rigorous restriction that covers fewer commission employees.

Under existing state law, "[n]o commissioner, executive director, finance director, general counsel, ombudsman or chief engineer of the commission shall accept any employment with any utility under the control of the commission until 2 years after he shall become separated from the commission." RSA 363:12-b.

Section 2 of H.B. 527 would replace that law with the following less restrictive provision: "For one year after leaving the employment of the commission, the commissioners and general counsel shall not appear as a lobbyist or as an advocate in any matter over which the commissioner or general counsel had direct responsibility while with the commission."

It is incumbent on public servants at all times to avoid both real and perceived conflicts between their personal financial interests and the interests of the people they serve. To make an ethics law covering the Public Utilities Commission less rigorous, particularly now, when two industries regulated by the Public Utilities Commission - the electric industry and the telecommunications industry - are currently undergoing significant structural changes that have immense financial implications, threatens to diminish people's faith in the integrity of government.

I would support the enactment into law of the remaining sections of H.B. 527 and have so advised the sponsor of this legislation, who has indicated his support for this veto.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 527**, relative to the duties of the public utilities commission, become law?

Rep. Bradley spoke against.

As required by the State Constitution, a roll call was taken.

**YEAS 19 NAYS 261**

**YEAS 19**

**BELKNAP**

**CARROLL**

Pilliod, James

Turner, Robert

Lyman, L Randy



**CHESHIRE**

Smith, Edwin

**COOS**

None

**GRAFTON**

Akins, Ralph

Scanlan, David

**HILLSBOROUGH**

Christiansen, Lars

Dyer, Merton

**MERRIMACK**

Asplund, Bronwyn

Whalley, Michael

Whittemore, James

**ROCKINGHAM**Christie, Andrew, Jr  
Ruffner, WalterGrant, Kenneth  
Sapareto, FrankMikowski, Walter  
Stritch, C DonaldQuandt, Marshall  
Weyler, Kenneth**STRAFFORD**

None

**SULLIVAN**

None

**NAYS 261****BELKNAP**Bartlett, Gordon  
Johnson, James  
Wendelboe, FrancineBoyce, Robert  
Millham, Alida  
Wood, JaneCzech, Stanley  
Rosen, RalphHolbrook, Robert  
Thomas, John**CARROLL**Babson, David, Jr  
Howard, Godfrey  
Philbrick, DonaldBradley, Jeb  
Kenney, JosephChandler, Gene  
Mock, HenryDickinson, Howard  
Patten, Betsey**CHESHIRE**Batchelder, Robert  
Lerandeau, Alfred  
Mitchell, McKim  
Riley, William  
Royce, H CharlesBurnham, Daniel  
Lynch, Margaret  
Pratt, Irene  
Roberts, William  
Russell, RonaldDoucette, Richard  
McGuirk, Paul  
Pratt, John  
Robertson, Timothy  
Zerba, RogerHunt, John  
Meader, David  
Richardson, Barbara  
Rose, William**COOS**Davis, Perley  
Mears, EdgarGuay, Lawrence  
Tholl, John, JrHorton, Lynn  
Woodward, David

Landers, Dana

**GRAFTON**Almy, Susan  
Densmore, Jessica  
Guest, Robert  
Hinman, Harry  
Solow, MarthaBrothers, Richard  
Dudley, Terri  
Hall, David  
Marshall, Gene  
Ward, BrienCobb, John  
Eaton, Stephanie  
Ham, Bonnie  
Nordgren, Sharon  
Weber, PhilCopenhaver, Marion  
Gilman, G Michael  
Harmon, Hobart  
Phinney, William**HILLSBOROUGH**Ahern, Richard  
Batula, Peter  
Brundige, Robert  
Carlson, DonaldAndrews, Frederick  
Beaupre, Roland  
Bruno, Pierre  
Chabot, RobertArnold, Thomas, Jr  
Bergeron, Lucien  
Buckley, Raymond  
Clegg, Robert, JrArthur, Rose  
Bergin, Peter  
Calawa, Leon, Jr  
Clemons, Jane

Cote, David  
Desmarais, Vivian  
Dwyer, Paul, Sr  
Ford, Nancy  
Gagnon, Paul  
Goulet, Maurice  
Holley, Sylvia  
Kurk, Neal  
Lasky, Bette  
MacGillivray, Jeffrey  
McGough, Tim  
Moran, Edward  
O'Hearn, Jane  
Reeves, Sandra  
Simon, Anthony  
Wall, Nancy

Coughlin, Pamela  
Dokmo, Cynthia  
Fenton, James  
Foster, Linda  
Garrish, Linda  
Haettenschwiller, Alphonse  
Jean, Loren  
L'Heureux, Robert  
Leishman, Peter  
Martel, Andre  
Melcher, Harold  
Moriarty, Mary  
Ouellette, Dean  
Reidy, Frank  
Thulander, O Alan  
White, Donald

Dalianis, Griffin  
Drabinowicz, A  
Fields, Dennis  
Franks, Suzan  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
LaPorte, George  
Leonard, Peter  
McCarty, Winston  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Sarette, John  
Turgeon, Roland  
White, John

Daniels, Gary  
Durham, Susan  
Flora, Kathleen  
Gagnon, Eugene  
Gorman, Mary  
Herman, Keith  
Konys, Christine  
LaRose, Richard  
Lozeau, Donnalee  
McDonough-Wallace, Alice  
Messier, Irene  
Murphy, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve  
Williams, Carol

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Leber, William  
Moore, Carol  
Rodd, Beth  
Wallin, Jean

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis  
Seldin, Gloria  
Wallner, Mary Jane

Brewster, Richard  
Feuerstein, Martin  
Gile, Mary  
Langer, Ray  
Marple, Richard  
Potter, Frances  
St Cyr, Gerard  
Yeaton, Charles

Chase, George  
Fortnam, Janet  
Hess, David  
Larrabee, David, Sr  
Marshall, Kenneth  
Poulin, Dave  
Virtue, Carolyn

### ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, John, Sr  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Norelli, Terie  
Packard, Sherman  
Rabideau, Marie  
Shelton, Richard  
Vaughn, Charles  
Welch, David

Arndt, Janet  
Blanchard, MaryAnn  
Cote, Patricia  
Dolan, Richard  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Mary Lou  
Pitts, Jacqueline  
Raynowska, Bernard  
Shultis, Elizabeth  
Verani, Giovanni  
Whittier, John

Beaulieu, Jon  
Case, Margaret  
Cox, Russell  
Fesh, Robert  
Gibbons, Paul  
Hutchinson, Rebecca  
Kelley, Jane  
Lovejoy, Marian  
Nowe, Ronald  
Priestley, Anne  
Reardon, Neil  
Stickney, Nancy  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Clark, Vivian  
Dearborn, Bruce  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Morse, Charles  
O'Neil, Michael  
Putnam, Ed, II  
Sabella, Norma  
Varrell, Thomas  
Weatherspoon, Jackie

### STRAFFORD

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Franklin  
Woods, Phyllis

Cossette, Larry  
Estabrook, Iris  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

DeChane, Marlene  
Johnson, Nancy  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

Domingo, Baldwin  
Kaen, Naida  
McKinley, Robert  
Rollo, Michael  
Spear, Barbara  
Wall, Janet

### SULLIVAN

Burling, Peter  
Kibbey, David

Cloutier, John  
Phinizy, James

Donovan, Thomas, Jr

Jones, Constance

and lacking the necessary two-thirds, the veto was sustained.  
Reps. Pilliod, Stritch and Whalley voted Yea and intended to vote Nay.

**SPECIAL ORDER****COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL 265**

**HB 265**, relative to the student trustees on the university system of New Hampshire board of trustees. (Report printed SJ 27, 7/1/99)

Reps. O'Hearn, Burling, Lockwood and Chandler spoke in favor.

Reps. Rabideau and Peterson spoke against and yielded to questions.

Rep. Jacobson spoke against.

Rep. John Pratt spoke in favor and yielded to questions.

Rep. Zolla requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 232 NAYS 47****YEAS 232****BELKNAP**

Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, James
Millham, Alida	Pilliod, James	Rosen, Ralph	Thomas, John
Turner, Robert	Wood, Jane		

**CARROLL**

Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

**CHESHIRE**

Batchelder, Robert	Burnham, Daniel	Doucette, Richard	Hunt, John
Lerandeau, Alfred	Lynch, Margaret	McGuirk, Paul	Meador, David
Pratt, Irene	Pratt, John	Riley, William	Roberts, William
Robertson, Timothy	Rose, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Landers, Dana
Mears, Edgar	Tholl, John, Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Ham, Bonnie	Hinman, Harry	Marshall, Gene	Nordgren, Sharon
Phinney, William	Solow, Martha	Ward, Brien	

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Batula, Peter	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Calawa, Leon, Jr	Carlson, Donald
Chabot, Robert	Clegg, Robert, Jr	Cote, David	Coughlin, Pamela
Dalianis, Griffin	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A
Durham, Susan	Dwyer, Paul, Sr	Fenton, James	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Herman, Keith
Holley, Sylvia	Jean, Loren	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold
Mercer, Robert	Messier, Irene	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	O'Hearn, Jane	Pappas, Marc
Reeves, Sandra	Reidy, Frank	Sarette, John	Sargent, Maxwell
Thulander, O Alan	Turgeon, Roland	White, Donald	White, John

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Langer, Ray	Larrabee, David, Sr	Leber, William	Lockwood, Priscilla
Marshall, Kenneth	Moore, Carol	Nichols, Avis	Potter, Frances
Poulin, Dave	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Whitemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr	Clark, Vivian
Cooney, Richard	Cote, Patricia	Cox, Russell	Dearborn, Bruce
Fesh, Robert	Flanders, John, Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Mikowski, Walter	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Pitts, Jacqueline	Priestley, Anne	Reardon, Neil
Ruffner, Walter	Shelton, Richard	Shultis, Elizabeth	Stickney, Nancy
Stritch, C Donald	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Weatherspoon, Jackie	Welch, David	Whittier, John	

**STRAFFORD**

Brennan, William	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	McKinley, Robert	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Torr, Franklin
Twardus, Joseph	Vachon, Dennis	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas, Jr	Jones, Constance
Kibbey, David	Phinizy, James	Tuthill, John	

**NAYS 47****BELKNAP**

Wendelboe, Francine

**CARROLL**

Bradley, Jeb	Howard, Godfrey	Kenney, Joseph
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**CHESHIRE**

Mitchell, McKim	Richardson, Barbara
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**COOS**

None

**GRAFTON**

Hall, David	Harmon, Hobart	Scanlan, David	Weber, Phil
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**HILLSBOROUGH**

Beaupre, Roland	Christiansen, Lars	Clemons, Jane	Daniels, Gary
Dyer, Merton	Hall, Betty	LaPorte, George	Leishman, Peter
Martin, Mary	Peterson, Andrew.	Simon, Anthony	Vaillancourt, Steve
Wall, Nancy	Williams, Carol		

**MERRIMACK**

Fortnam, Janet  
Marple, Richard

Fraser, Marilyn  
Virtue, Carolyn

Jacobson, Alf

Kennedy, Richard

**ROCKINGHAM**

Beaulieu, Jon  
Gibbons, Paul  
Quandt, Marshall  
Sapareto, Frank

DiFruscia, Anthony  
Grant, Kenneth  
Rabideau, Marie  
Weare, Everett

Dolan, Richard  
Lovejoy, Marian  
Raynowska, Bernard  
Weyler, Kenneth

Flanagan, Natalie  
Putnam, Ed, II  
Sabella, Norma  
Zolla, William

**STRAFFORD**

Johnson, Nancy

**SULLIVAN**

None

and the report was adopted.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair. Adopted.

**UNANIMOUS CONSENT**

Reps. Buckley, Kennedy and Dickinson addressed the House.

**PERSONAL PRIVILEGE**

Rep. Fields addressed the House.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages and veto messages from the Governor only.

Adopted.

The House recessed at 6:10 p.m.

**RECESS**

**(Speaker Sytek in the Chair)**

**ENROLLED BILL AMENDMENT**

**HB 112-FN-A** increasing the tobacco tax and imposing the tax on all types of tobacco products.

**Amendment (1967-EBA)**

Amend the title of the bill by replacing it with the following:

**AN ACT** increasing the tobacco tax and dedicating a portion of tobacco settlement funds to a tobacco use prevention fund.

Adopted.

**RECESS**

**(Rep. Jacobson in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 112, 225, 231, 263, 270, 301, 324, 356, 364, 381, 421, 473, 485, 486, 546, 574, 606, 675, 688, 720, 742 and House Joint Resolution 2; and Senate Bills numbered 103, 107, 110, 118, 159, 164, 168, 220 and 230.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**ENROLLED BILL AMENDMENTS**

**SB 27**, relative to assessment fee schedules for trust companies and banks. (Amendment printed in SJ 27, 7/1/99).

Adopted.

**SB 177**, allowing marriage and family therapists to obtain third party payment for services rendered which would otherwise qualify for such payments. (Amendment printed in SJ 27, 7/1/99)

Adopted.

**SB 223-FN-A**, establishing a wellness and primary prevention council. (Amendment printed in SJ 27, 7/1/99)

Adopted.

**RECESS**

**(Rep. Bradley in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 25-FN-A**, making appropriations for capital improvements.

**Amendment (1976-EBA)**

Amend subparagraph II, A, 15 of section 1 of the bill by replacing line 1 with the following:

15. Light replacement – health and human services building\* 389,050

Amend paragraph I of section 6 of the bill by replacing line 5 with the following:

been published at least once in each of 2 successive calendar weeks in a newspaper of general

Amend section 13 of the bill by replacing line 5 with the following:

appropriation of state funds therefor shall be reduced by the same proportion as the proportion by

Amend section 17 of the bill by replacing lines 1-3 with the following:

17 Appropriation; Payment of Bonds and Notes; Department of Regional Community-Technical Colleges; Early Childhood Laboratory School.

I. The sum of \$427,400 is appropriated to the department of regional community-technical colleges for the

Amend section 20 of the bill by replacing line 2 with the following:

Amend 1995, 309:1, XII, A, 2 as extended by 1997, 349:34, XXVIII to read as follows:

Amend section 23 of the bill by replacing line 2 with the following:

as amended by 1998, 226:2 to read as follows:

Amend section 26 of the bill by replacing line 1 with the following:

26 Capital Budget; 1997 HB 25-A; Amounts Increased; Department of

Amend section 27 of the bill by replacing line 1 with the following:

27 Capital Budget; 1997 HB 25-A; Total Appropriation Section 1, Paragraph II, Subparagraph A Increased.

Amend section 29 of the bill by replacing lines 2-3 with the following:

Added. Amend 1995, 310:191, as amended by 1997, 349:31 and 1998, 276:2, as extended by 1997, 349:34, XXXVII and 1998, 276:3 to read as follows:

Amend paragraph I of section 32 of the bill by replacing lines 1-2 with the following:

1. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as extended by 1991, 351:27, II(1), 1992, 289:60, VII, 1993, 359:20, V, 1995, 309:32, VII,

Amend paragraph III of section 32 of the bill by replacing line 2 with the following:

B as extended by 1994, 171:1 for the state revolving fund match.

Amend paragraph VII of section 32 of the bill by replacing line 2 with the following:

II, A, 10 and 11, as amended by section 26 of this act, for parking garage repairs at the legislative office building and Storrs Street

Amend paragraph IX of section 32 of the bill by replacing lines 1-2 with the following:

IX. The appropriation made to the department of corrections in 1995, 309:1, IV, L as extended by 1997, 349:34, XVIII for the construction of boilers, N.H. state prison for women,

Amend paragraph XVI of section 32 of the bill by replacing lines 2-3 with the following:

310:191, as amended by 1997, 349:31 and 1998, 276:2, as extended by 1997, 349:34, XXXVII and 1998, 276:3, and as amended by section 29 of this act for design and renovation of APS-B-wing, M

Amend paragraph XXXIII of section 32 of the bill by replacing line 2 with the following:  
 commissioner's office in 1997, 349:1, VII, F, as amended by 1998, 276:1, for the Brown Building  
 Amend paragraph XL of section 32 of the bill by replacing line 2 with the following:  
 1998, 226:2 and as amended by section 23 of this act for Dover Point substation addition, ware-  
 house/Epping station.

Amend the bill by inserting after section 32 the following and renumbering the original section 33  
 to read as 34:

33 Capital Budget; 1997 HB 25-A; Total Appropriation Section 1, Paragraph II Increased.

Amend the total state appropriation for 1997, 349:1, II to read as follows:

Total state appropriation paragraph II [~~\$7,971,000~~] **\$8,081,500.**

Adopted.

**HB 395-FN-A**, establishing a program of matching grants to preserve historic agricultural struc-  
 tures in New Hampshire.

#### **Amendment (1969-EBA)**

Amend RSA 227-C:29, I as inserted by section 1 of the bill by replacing line 2 with the following:  
 any other matter necessary to the administration of this subdivision, an advisory committee to the  
 division of

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to  
 read as 4:

3 Authorization for Contingent Renumbering. If any other act of the 1999 regular session of the  
 general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph  
 into paragraph I of such section becomes law, the director of legislative services is authorized to  
 make any technical changes to the numbering in any RSA sections inserted by this or any other act  
 as necessary to conform said sections to proper RSA format. The authority granted under this sec-  
 tion shall not include the power to make any substantive changes and shall expire upon printing of  
 the 1999 session laws.

Adopted.

**HB 562**, relative to the date of decision for appeals of zoning matters.

#### **Amendment (1980-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the date of decision for appeals of zoning matters.

Adopted.

**HB 698-FN-L**, restricting fees for registration permits for certain vehicles.

#### **Amendment (1968-EBA)**

Amend RSA 261:64, I as inserted by section 3 of the bill by replacing lines 9-12 with the fol-  
 lowing:

*for equipment that weighs up to 7,500 lbs., the fee shall be \$25; for equipment from 7,501 lbs.  
 to 15,000 lbs., the fee shall be \$50; for equipment from 15,001 lbs. to 50,000 lbs., the fee shall  
 be \$100; for equipment from 50,001 lbs. to 80,000 lbs., the fee shall be \$200; and for all equip-  
 ment over 80,000 lbs., the fee shall be \$300.*

Adopted.

**SB 28**, relative to food production and distribution and food service licensure. (Amendment printed  
 SJ 27, 7/1/99)

Adopted.

**SB 58**, allowing clinical mental health counselors to obtain third party payment for services ren-  
 dered which would otherwise qualify for such payments. (Amendment printed SJ 27, 7/1/99)

Adopted.

**SB 67**, limiting liability resulting from the use of automatic external defibrillation. (Amendment  
 printed SJ 27, 7/1/99)

Adopted.

**SB 189-FN**, relative to the establishment of civil rights act. (Amendment printed SJ 27, 7/1/99)  
Adopted.

**SB 201-FN**, reclassifying non-support as a felony under certain circumstances. (Amendment printed SJ 27, 7/1/99)  
Adopted.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 2, 94, 213, 216, 272, 331, 367, 369, 410, 451, 468, 492, 545, 559, 608, 626, 650, 652, 664, 670, 685, 687, 722, 738, 739 and 741, and Senate Bills 12, 20, 27, 32, 37, 53, 62, 78, 99, 102, 104, 131, 172, 175, 177, 182, 187, 191, 192, 195, 197, 198, 217 and 223.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

### RECESS

(Rep. Christie in the Chair)

### ENROLLED BILL AMENDMENTS

**HB 69**, relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees.

#### Amendment (1973-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of employee under certain labor laws.

Adopted.

**HB 265**, relative to the student trustees on the University System of New Hampshire board of trustees.

#### Amendment (1987-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the student trustees on the university system of New Hampshire board of trustees, adequate education grants in cooperative school districts, kindergarten program funding, and the adequate education grant in the town of Stratford.

Adopted.

**HB 291**, establishing a study committee for seed sterilization technology or "terminator" technology.

#### Amendment (1990-EBA)

Amend section 2 of the bill by replacing line 7 with the following:

members of the senate environment committee and one member of the senate energy and economic development

Adopted.

**HB 491**, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements.

#### Amendment (1978-EBA)

Amend the bill by replacing section 4 with the following:

4 Behind the Wheel Training Requirements Increased. Amend RSA 263:19 to read as follows:  
263:19 Driver Education.

*I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published*



jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

**II.** *To qualify for a driver's license under this section, a person under the age of 18 shall also certify the completion of 20 hours of additional supervised driving time under the supervision of a licensed parent or guardian, or, if there is no licensed parent or guardian, under the supervision of a licensed adult over the age of 25. The commissioner shall adopt rules relative to the method of certification.*

**III.** *Any person who wishes to obtain a motorcycle endorsement shall not be required to complete the 20 hours of practice driving time specified in paragraph II, but shall successfully complete a program authorized pursuant to RSA 263:34-b and shall be exempt from RSA 263:14, II(c) while operating a motorcycle.*  
Adopted.

**HB 563**, relative to names of limited liability partnerships and companies and cooperative associations.

#### **Amendment (1972-EBA)**

Amend RSA 293-A:4.01(b) as inserted by section 2 of the bill by replacing line 17 with the following:  
[40] (6) the name of any political party recognized under RSA 652:11, unless written  
Adopted.

**HB 576-FN-A**, establishing additional staff positions for statewide child custody and support impact seminars, and making an appropriation therefor.

#### **Amendment (1979-EBA)**

Amend the bill by replacing section 2 with the following:

2 Child Custody and Support Impact Seminars; Positions Created. There are hereby created 3 full-time court assistant III positions and one-part-time court assistant III position within the child custody and support impact program for the purpose of managing statewide child custody and support impact seminars pursuant to RSA 458-D.  
Adopted.

**HB 601**, allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, correcting out-of-date references and phraseology pertaining to the department of corrections, adding the position of warden of the Northern New Hampshire Correctional Facility to the unclassified system, replacing the superintendent of the lakes region facility with a warden in the salary classification table and replacing the superintendent of the New Hampshire state prison for women with a warden in the salary classification table.

#### **Amendment (1984-EBA)**

Amend the title of the bill by replacing it with the following:

**AN ACT** allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, correcting out-of-date references and phraseology pertaining to the department of corrections, changing the salary group of the warden of the northern New Hampshire correctional facility in the unclassified system, replacing the superintendent of the lakes region facility with a warden in the salary classification table and replacing the superintendent of the New Hampshire state prison for women with a warden in the salary classification table.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Clarification of Term. Amend RSA 651:6 by inserting after paragraph I the following new paragraph:

I-a. As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail, or corrections institution, a probation-parole officer, or a conservation officer.

Amend section 5 of the bill by inserting after paragraph III the following new paragraph:

IV. Deleting in group N:

Warden, northern New Hampshire correctional facility, department of corrections

Amend the bill by replacing section 6 with the following:

6 Applicability of Salary Classifications. The warden of the northern New Hampshire correctional facility (formerly the Berlin prison facility) on the effective date of this act shall become the unclassified warden at the salary step in group O which is not less than step 4 in group N.

Amend RSA 622:2-a as inserted by section 8 of the bill by replacing line 1 with the following:

622:2-a [Warden] **Wardens**. The [warden] **wardens** of the New Hampshire state [prison for men] **prisons** shall

Adopted.

**HB 616-FN-A**, establishing a house study committee to consider issues related to the driver training fund and exempting persons covered under the Americans with Disabilities Act from certain drivers's license requirements.

### Amendment (1982-EBA)

Amend the bill by replacing all after section 6 with the following:

7 Waiver of Certain License Requirements; Version Incorporating HB 566. RSA 263:19 is repealed and reenacted to read as follows:

263:19 Driver Education.

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

II. Any person wishing to qualify for a driver's license who submits proof that the person has a disability covered by the Americans with Disabilities Act may request a waiver of a requirement of this section from the commissioner. The commissioner or his or her agents may approve such requests at their discretion.

8 Waiver of License Requirements; Contingent Version for HB 491. RSA 263:19 is repealed and reenacted to read as follows:

263:19 Driver Education.

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

II. To qualify for a driver's license under this section, a person under the age of 18 shall also certify the completion of 20 hours of additional supervised driving time under the supervision of a licensed parent or guardian, or, if there is no licensed parent or guardian, under the supervision of a licensed adult over the age of 25. The commissioner shall adopt rules relative to the method of certification.

III. Any person who wishes to obtain a motorcycle endorsement shall not be required to complete the 20 hours of practice driving time specified in paragraph II, but shall successfully complete a program authorized pursuant to RSA 263:34-b and shall be exempt from RSA 263:14, II(c) while operating a motorcycle.

IV. Any person wishing to qualify for a driver's license who submits proof that the person has a disability covered by the Americans with Disabilities Act may request a waiver of a requirement of this section from the commissioner. The commissioner or his or her agents may approve such requests at their discretion.

9 Contingency. If HB 491 of the 1999 legislative session becomes law, section 8 of this act shall take effect at 12:01 a.m. on the day that HB 491 takes effect. If HB 491 does not become law, section 8 of this act shall not take effect.

10 Effective Date.

I. Section 7 of this act shall take effect August 27, 1999 at 12:01 a.m.

II. Section 8 of this act shall take effect as provided in section 9 of this act.

III. The remainder of this act shall take effect upon its passage.

Adopted.

**HB 684**, requiring a 2/3 vote of both houses of the general court to increase the rate of the business enterprise tax and making technical corrections to 1999, HB 117.

#### **Amendment (1983-EBA)**

Amend section 3 of the bill by replacing lines 1-3 with the following:

3 Utility Property Tax; Definitions. Amend RSA 83-F:1, IV and V to read as follows:

IV. [~~"Utility property owner" means any person, partnership, limited liability company,~~

Amend RSA 83-F:1, V(b) as inserted by section 3 of the bill by replacing line 2 with the following:

***public utilities commission under RSA 362:4; and***

Amend section 16 of the bill by replacing line 2 with the following:

provisions of RSA 188-E:8 and RSA 188-E:9, for fiscal year 2001, the state shall reimburse a sending

Amend section 19 of the bill by replacing paragraph I with the following:

I. Section 9 of this act shall take effect July 1, 1999 at 12:02 a.m.

Adopted.

**SB 70**, relative to prevention of MTBE contamination of drinking water and groundwater. (Amendment printed SJ 27, 7/1/99)

Adopted.

**SB 83**, relative to the regulation of the practice of veterinary medicine. (Amendment printed SJ 27, 7/1/99)

Adopted.

**SB 93**, relative to self-storage facility liens. (Amendment printed SJ 27, 7/1/99)

Adopted.

**SB 105**, relative to continuation of coverage of health insurance. (Amendment printed SJ 27, 7/1/99)

Adopted.

**SB 158-FN**, relative to definitions and penalties for indecent exposure and inclusion in certain sexual offender registry classifications. (Amendment printed SJ 27, 7/1/99)

Adopted.

**SB 163**, establishing a commission to study methods for reducing violent incidents involving children and guns. (Amendment printed SJ 27, 7/1/99)

Adopted.

**SB 167**, relative to off-label prescription drugs. (Amendment printed SJ 27, 7/1/99)

Adopted.

**SB 200**, relative to child day care licensing procedures. (Amendment printed SJ 27, 7/1/99)

Adopted.

**SB 204**, establishing the New Hampshire excellence in higher education endowment trust fund. (Amendment printed SJ 27, 7/1/99)

Adopted.

**SB 214-FN**, relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board. (Amendment printed SJ 27, 7/1/99)

Adopted.

#### RECESS

(Rep. Welch in the Chair)

#### ENROLLED BILLS REPORT

The Committee on Enrolled Bills examined and found correctly enrolled the following House Bills 25, 689, 698 and 719, CACR 6 and Senate Bill 227.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

#### RECESS

(Rep. Burling in the Chair)

#### ENROLLED BILL AMENDMENTS

**HB 665**, relative to the New Hampshire emergency management compact with other jurisdictions.

#### Amendment (1992-EBA)

Amend RSA 108:2, I as inserted by section 1 of the bill by replacing line 3 with the following: same as "party state" in United States P.L. 104-321; as to NAEMAC, party jurisdiction means Amend Article IV of RSA 108:3 as inserted by section 1 of the bill by replacing line 15 with the following:

long as the exercises or training for mutual aid are in progress, the state of

Amend Article VII of RSA 108:3 as inserted by section 1 of the bill by replacing line 6 with the following:

jurisdictions. Supplementary agreements may include, but shall not be limited to, provisions for Amend Article IX of RSA 108:3 as inserted by section 1 of the bill by replacing line 5 with the following:

jurisdiction may assume in whole or in part such loss, damage, expense, or other costs, or may loan Amend Article X(a) of RSA 108:3 as inserted by section 1 of the bill by replacing line 6 with the following:

evacuees come shall assume the responsibility for the ultimate support of repatriation of such Amend Article X(b) of RSA 108:3 as inserted by section 1 of the bill by replacing line 6 with the following:

in of additional materials, supplies, and all other relevant factors. Such plans shall provide that Amend Article XI(b) of RSA 108:3 as inserted by section 1 of the bill by replacing line 3 with the following:

party jurisdiction withdrawing has given notice in writing of such withdrawal to the governors of all Adopted.

**SB 113**, establishing a division of travel and tourism development within the department of resources and economic development. (Amendment printed in SJ 27, 7/1/99)

Adopted.

#### RECESS

**(Rep. Buckley in the Chair)**

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 69, 89, 265, 291, 333, 395, 408, 428, 463, 464, 491, 525, 562, 563, 576, 584, 601, 616, 653, 658, 665, 666, 676, 684, 709, 721 and 729 and Senate Bills 28, 30, 47, 58, 67, 69, 70, 83, 93, 105, 113, 114, 124, 140, 158, 163, 167, 183, 189, 200, 201, 204, 209, 214 and 224.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

RECESS

**(Speaker Sytek in the Chair)**

### **COMMITTEE ASSIGNMENTS**

Rep. Stanley E. Czech on Resources, Recreation and Development.

Rep. Warren Henderson off Rules and Legislative Administration.

Rep. Harry T. Hinman off State-Federal Relations and Veterans Affairs; on Labor, Industrial and Rehabilitative Services.

Rep. Jeffrey C. MacGillivray off Finance; on Science, Technology and Energy.

Rep. Marc P. Pappas on Legislative Administration.

Rep. Marie N. Rabideau off Education; on State-Federal Relations and Veterans Affairs.

Rep. P. Judith Sullivan off Science, Technology and Energy; on Education.

Rep. Francine Wendelboe on Finance.

RECESS

**(Rep. Burling in the Chair)**

### **RESOLUTION**

Rep. Nordgren offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 999, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### **INTRODUCTION OF HOUSE BILL**

#### **First, second reading and referral**

**HB 999-FN-A-L**, establishing a uniform education property tax to provide funding for an adequate public education and providing education property tax hardship relief to low and moderate income taxpayers. (Hess, Merr 11: Finance)

RECESS

**(Speaker Sytek in the Chair)**

### **RESOLUTION**

Rep. Kurk offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Constitutional Amendment Concurrent Resolutions numbered 16 and 17 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### **INTRODUCTION OF SENATE CACRs**

#### **First, second reading and referral**

**CACR 16**, relating to establishing a restricted education trust fund; establishing a maximum rate on an income tax, and dedicating income tax revenues to education. Providing that an education trust fund be established, that revenues from a state-run lottery and revenues from the imposition of an income tax shall be deposited into the education trust fund, and that the moneys in such trust fund shall be used exclusively to provide relief from local school prop-

erty taxes and to fund the state's duty to cherish the interest of public schools under Article 83, Part 2 of the New Hampshire constitution, and shall not be transferred or diverted to any other purpose. (Finance)

**CACR 17**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. (Finance)

## RECESS

### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 26

Thursday, October 28, 1999

The House assembled at 10:00 a.m., and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin from St. Andrew's Episcopal Church in Hopkinton.

Dear Creator of all that is, seen and unseen, we thank You for the beauty of this day, for those people and communities who have entrusted us with their voices and votes, and for the tasks which are set before this legislature. May the decisions made here today reflect Your higher vision and purpose, and may we vote, not only with our minds, but with our hearts, intending always to do the very best we can for the people of our beloved New Hampshire. Amen.

Rep. Daneault led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Patricia Cote, Courchesne, Ford, Golden, Hawkinson, Karen Hutchinson, Kenneth MacDonald, Schanda, Searles and Snyder, the day, illness.

Reps. Copenhaver, Dowling, Fortnam, Guay, Hoadley, Marjorie Smith and Weyler, the day, important business.

Rep. LaRose, the day, death in the family.

### INTRODUCTION OF GUESTS

The Charlestown Primary School 4<sup>th</sup> grade class and their teachers Pat Cutler, Deb DeFore and Linda Brennehan, guests of Reps. Young and Phinizy. Laurence Blood, guest of Reps. Wendelboe and Holbrook. Paul SanSoucie, guest of Rep. MacNeil. Helen Holbrook, wife of Rep. Holbrook. Barbara Brewster and Audry Schaefer, wife and guest of Rep. Brewster. Karina Carmona and Bibiana and Yolanda Agudelo, guests of Rep. Withee. Julieanne Pohl and Susan Moffatt, guests of Rep. Cooney.

### COMMUNICATIONS

August 1, 1999

William M. Gardner, Secretary of State

It has been my pleasure to have served as a Representative for the Town of Raymond, Rockingham District 12, since January 1995.

It has always been my desire to reciprocate in kind for my life experiences, and my service in the legislature has been motivated by that desire.

Unfortunately, I find it extremely difficult to continue my commitment to serve the remainder of this present term. Would you kindly take any necessary action to make this resignation effective September 1, 1999.

Richard E. Dolan, Rock. 12

The Speaker accepted the resignation with regret.

August 23, 1999

Hon. Donna Sytek, Speaker of the House

It is with regret that I am writing to inform you that I will be resigning my House seat effective September 1, 1999. While I would like to have finished out my term, it has become apparent that my focus needs to shift toward resolving the health issues that have prevented me from actively participating during the 1999 legislative session. While my health is improving, it has forced me to re-evaluate my priorities and where I will focus my efforts. I do not believe that I can devote sufficient time to represent my district and fulfill my responsibility to the district while continuing to focus on my rehabilitation, family and other business responsibilities.

I leave with a great deal of respect for the New Hampshire Legislature and its many hardworking citizen legislators. I sincerely thank you for all the courtesies extended to me by your office.

Peter O. Crowell, Merr. 2

The Speaker accepted the resignation with regret.

**SENATE MESSAGES****CONCURRENCE**

**HB 84-FN**, establishing a committee to study the penalties for driving under the influence of intoxicating liquor or controlled drugs in the state, and the education and treatment services available to offenders.

**HB 224-FN-A**, establishing a joint committee on code enforcement.

**HB 363-FN**, increasing the bonding limit of the school building authority.

**HB 501-FN-A**, relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton.

**HB 537**, relative to background checks for firearms purchases.

**HB 645-FN**, relative to telecommunications equipment assistance and the enhanced 911 system.

**HB 669-FN**, relative to the determination of current comparable compensation for persons with gainful earnings who receive disability retirement benefits.

**HJR 10**, requiring that the United States Marine Corps flag be flown over the state house every November 10, to honor the birth of the Corps.

**HCR 10**, requesting congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers.

**HCR 13**, urging the selection of a final design for the New Hampshire commemorative quarter which includes the state motto "live free or die, 9 stars representing New Hampshire as the ninth state to ratify the United States Constitution, and the Old Man of the Mountain."

**NONCONCURRENCE**

**HB 599-FN-A**, establishing a committee to study the integration of technology at the state, county, and municipal levels.

**HB 602-FN**, establishing the position of health insurance consumer assistant.

**HB 743**, requiring that the question relative to the necessity for a convention to revise the New Hampshire constitution be presented to the voters in the November 2000 general election.

**HCR 8**, a resolution urging improvements to the Kyoto Protocol prior to its implementation.

**RE-REFERRED TO COMMITTEE**

**HB 314**, relative to the escrowing of certain utility payments.

**HB 553-FN-A**, establishing a commission on the status of men.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor. (Amendment printed SJ 29, 10/22/99)  
Rep. Kurk moved that the House nonconcur.

Rep. MacGillivray spoke in favor and yielded to questions.

Reps. Jacobson, Dickinson and Hager spoke against.

Rep. Wallin spoke against and yielded to questions.

Reps. Weber, Sapareto, Keye and Mock spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the motion to nonconcur.

**YEAS 206 NAYS 164****YEAS 206****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Salatiello, Thomas

Czech, Stanley  
Lawton, Robert  
Thomas, John

**CARROLL**

Babson, David Jr  
Kenney, Joseph  
Sullivan, P Judith

Bradley, Jeb  
Lyman, L Randy  
Torresen, Gary

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey



**CHESHIRE**

Doucette, Richard  
Rose, William

Hunt, John  
Royce, H Charles

Lerandeau, Alfred  
Russell, Ronald

Roberts, William  
Smith, Edwin

**COOS**

Horton, Lynn

Pratt, Leighton

Tholl, John Jr

Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Ham, Bonnie  
Marshall, Gene  
Ward, Brien

Alger, John  
Eaton, Stephanie  
Harmon, Hobart  
Mirski, Paul  
Weber, Phil

Brothers, Richard  
Gilman, G Michael  
Hinman, Harry  
Picconi, Al

Cobb, John  
Hall, David  
MacNeil, Allen  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Bruno, Pierre  
Chabot, Robert  
Cote, Peter  
Daniels, Gary  
Drabinowicz, A Theresa  
Fletcher, Richard  
Goley, Jeffrey  
Hansen, Herbert  
Jean, Loren  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonald, James Sr  
Milligan, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
Wall, Nancy

Andrews, Frederick  
Belvin, William  
Buckley, Raymond  
Christiansen, Lars  
Coughlin, Pamela  
Desmarais, Vivian  
Emerton, Lawrence  
Flora, Kathleen  
Gorman, Mary  
Herman, Keith  
Johnson, Lionel  
LaPorte, George  
MacGillivray, Jeffrey  
McGough, Tim  
Moran, Edward  
Ouellette, Dean  
Reeves, Sandra  
Thulander, O Alan  
White, Donald

Baroody, Benjamin  
Bergin, Peter  
Burkush, James  
Clegg, Robert Jr  
Craig, James  
Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Goulet, Maurice  
Holley, Sylvia  
Keye, Harvey  
Leishman, Peter  
Martel, Andre  
McRae, Karen  
Mosher, William  
Pappas, Marc  
Reidy, Frank  
Turgeon, Roland  
Withee, Dennis

Batula, Peter  
Brundige, Robert  
Calawa, Leon Jr  
Cote, David  
Dalianis, Griffin  
Dokmo, Cynthia  
Fields, Dennis  
Gagnon, Paul  
Haley, Robert  
Hunter, Bruce  
Kurk, Neal  
Lessard, Rudy  
Martin, Mary  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Rowe, Robert  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Larrabee, David Sr  
Nichols, Avis

Asplund, Bronwyn  
Lavoie, Gerard  
Whalley, Michael

Hess, David  
Leber, William

Langer, Ray  
Marple, Richard

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Corbin, C David  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Letourneau, Robert  
Moore, Benjamin  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Stritch, C Donald  
Weare, Everett

Beaulieu, Jon  
Carson, Gregory  
Cox, Russell  
Fesh, Robert  
Grant, Kenneth  
Katsakiores, George  
Major, Norman  
Morse, Charles  
Priestley, Anne  
Raynowska, Bernard  
Sapareto, Frank  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Christie, Andrew Jr  
Dalrymple, Janeen  
Flanders, David  
Griffin, Mary  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Mary Lou  
Putnam, Ed II  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas  
Zolla, William

Bishop, Franklin  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, John Sr  
Hamel, Albert  
Kobel, Rudolph  
Mikowski, Walter  
Nowe, Ronald  
Quandt, Marshall  
Rubin, George  
Stone, Joseph  
Verani, Giovanni

**STRAFFORD**

Berube, Roger

Brown, George

Callaghan, Frank

Cossette, Larry

Domingo, Baldwin  
Musler, George  
Vincent, Francis

Heon, Richard  
Taylor, Kathleen  
Woods, Phyllis

Lundborn, Raymond  
Torr, Franklin

McKinley, Robert  
Tsiros, William

## SULLIVAN

Kibbey, David

Young, David

## NAYS 164

## BELKNAP

Millham, Alida

Pilliod, James

Wood, Jane

## CARROLL

Dickinson, Howard

Philbrick, Donald

## CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Lynch, Margaret  
Meador, David  
Richardson, Barbara

Blaisdell, Michael  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

Burnham, Daniel  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

## COOS

Davis, Perley  
Rodrigue, Robert

Glimes, Sara

Landers, Dana

Mears, Edgar

## GRAFTON

Almy, Susan  
Nordgren, Sharon

Densmore, Jessica  
Phinney, William

Johnson, Gary  
Solow, Martha

LaMott, Paul

## HILLSBOROUGH

Ahern, Richard  
Carlson, Donald  
Dawe, Eileen  
Foster, Linda  
Haettenschwiller, Alphonse  
Konsy, Christine  
McCarthy, William  
Mendenhall, Leslie  
O'Connell, Timothy  
Simon, Anthony

Arnold, Thomas Jr  
Clemons, Jane  
Durham, Susan  
Franks, Suzan  
Hall, Betty  
Lasky, Bette  
McCarty, Winston  
Messier, Irene  
Ouellette, Mary  
White, John

Arthur, Rose  
Curran, James  
Dwyer, Paul Sr  
Garrish, Linda  
Herman, Richard  
Leonard, Peter  
McColgan, Philip Jr  
Moriarty, Mary  
Perkins, Paul  
Williams, Carol

Bergeron, Lucien  
Daigle, Robert  
Dyer, Merton  
Ginsburg, Ruth  
Jean, Claudette  
Lynde, Harold  
Melcher, Harold  
Murphy, Robert  
Sarette, John

## MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Crosby, Toni  
Fraser, Marilyn  
Jacobson, Alf  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

## ROCKINGHAM

Abbott, Dennis  
Cooney, Richard  
Gibbons, Paul  
Kane, Cecelia  
Lovejoy, Marian

Blanchard, MaryAnn  
Dearborn, Bruce  
Gleason, John  
Kelley, Jane  
Norelli, Terie

Case, Margaret  
Dunham, Vivian  
Hutchinson, Rebecca  
Langley, Jane  
O'Keefe, Patricia

Clark, Martha  
Flanagan, Natalie  
Johnson, Robert  
Langone, John  
O'Neil, Michael

Pantelakos, Laura  
Shultis, Elizabeth  
Whittier, John

Pitts, Jacqueline  
Splaine, James

Sabella, Norma  
Vaughn, Charles

Shelton, Richard  
Weatherspoon, Jackie

### STRAFFORD

Bickford, David  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Rollo, Michael  
Vachon, Dennis

Brennan, William  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Spang, Judith  
Wall, Janet

Brown, Julie  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Marsha  
Spear, Barbara

DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Rogers, Rose Marie  
Twardus, Joseph

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Phinify, James

Burling, Peter  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Leone, Richard  
Tuthill, John

Donovan, Thomas Jr  
McIntyre, Sara  
Wiggins, Celestine

and the motion was adopted.

Rep. Weatherspoon voted Nay and intended to vote Yea.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Herman moved that the House reconsider its action whereby it nonconcurred with the Senate Amendment to **HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor and spoke against.

Rep. Christiansen requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 156 NAYS 214**

**YEAS 156**

### BELKNAP

Millham, Alida

Pilliod, James

Wood, Jane

### CARROLL

Philbrick, Donald

### CHESHIRE

Batchelder, Robert  
Lynch, Margaret  
Meador, David  
Richardson, Barbara

Blaisdell, Michael  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

Burnham, Daniel  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

DePecol, Benjamin  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

### COOS

Davis, Perley  
Rodrigue, Robert

Glines, Sara

Landers, Dana

Mears, Edgar

### GRAFTON

Almy, Susan  
Phinney, William

Densmore, Jessica  
Solow, Martha

Johnson, Gary

Nordgren, Sharon

### HILLSBOROUGH

Ahern, Richard  
Carlson, Donald  
Dawe, Eileen  
Franks, Suzan  
Hall, Betty

Arnold, Thomas Jr  
Clemons, Jane  
Dwyer, Paul Sr  
Garrish, Linda  
Herman, Richard

Arthur, Rose  
Curran, James  
Dyer, Merton  
Ginsburg, Ruth  
Jean, Claudette

Bergeron, Lucien  
Daigle, Robert  
Foster, Linda  
Haettenschwiller, Alphonse  
Konys, Christine

Lasky, Bette  
McColgan, Philip Jr  
Moriarty, Mary  
Reidy, Frank  
Williams, Carol

Leonard, Peter  
Melcher, Harold  
O'Connell, Timothy  
Sarette, John

Lynde, Harold  
Mendenhall, Leslie  
Ouellette, Mary  
Simon, Anthony

McCarthy, William  
Messier, Irene  
Perkins, Paul  
White, John

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Crosby, Toni  
Fraser, Marilyn  
Jacobson, Alf  
Moore, Carol  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Dunham, Vivian  
Hutchinson, Rebecca  
Langley, Jane  
O'Keefe, Patricia  
Shelton, Richard  
Weatherspoon, Jackie

Blanchard, MaryAnn  
Flanagan, Natalie  
Johnson, Robert  
Langone, John  
Pantelakos, Laura  
Shultis, Elizabeth

Case, Margaret  
Gibbons, Paul  
Kane, Cecelia  
Lovejoy, Marian  
Pitts, Jacqueline  
Splaine, James

Clark, Martha  
Gleason, John  
Kelley, Jane  
Norelli, Terie  
Sabella, Norma  
Vaughn, Charles

### STRAFFORD

Bickford, David  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Marsha  
Vachon, Dennis

Brennan, William  
Domingo, Baldwin  
Grassie, Anne  
Knowles, William  
Rogers, Rose Marie  
Vincent, Francis

Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Spang, Judith  
Wall, Janet

Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Twardus, Joseph

### SULLIVAN

Allison, David  
Jones, Constance  
Robb-Theroux, Amy

Burling, Peter  
Leone, Richard  
Tuthill, John

Cloutier, John  
McIntyre, Sara  
Wiggins, Celestine

Donovan, Thomas Jr  
Phinizy, James  
Young, David

### NAYS 214

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Salatiello, Thomas

Gzech, Stanley  
Lawton, Robert  
Thomas, John

### CARROLL

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Sullivan, P Judith

Chandler, Gene  
Lyman, L Randy  
Torresen, Gary

Dickinson, Howard  
Mock, Henry

### CHESHIRE

Avery, Stephen  
Roberts, William  
Smith, Edwin

Doucette, Richard  
Rose, William

Hunt, John  
Royce, H Charles

Lerandeau, Alfred  
Russell, Ronald

### COOS

Horton, Lynn

Pratt, Leighton

Tholl, John Jr

Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Ham, Bonnie  
MacNeil, Allen  
Scanlan, David

Alger, John  
Eaton, Stephanie  
Harmon, Hobart  
Marshall, Gene  
Ward, Brien

Brothers, Richard  
Gilman, G Michael  
Hinman, Harry  
Mirski, Paul  
Weber, Phil

Cobb, John  
Hall, David  
LaMott, Paul  
Picconi, Al

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Bruno, Pierre  
Chabot, Robert  
Cote, Peter  
Daniels, Gary  
Drabinowicz, A Theresa  
Fields, Dennis  
Gagnon, Paul  
Haley, Robert  
Hunter, Bruce  
Kurk, Neal  
Lessard, Rudy  
Martin, Mary  
McRae, Karen  
Mosher, William  
Ouellette, Dean  
Reeves, Sandra  
Turgeon, Roland  
Withee, Dennis

Andrews, Frederick  
Belvin, William  
Buckley, Raymond  
Christiansen, Lars  
Coughlin, Pamela  
Desmarais, Vivian  
Durham, Susan  
Fletcher, Richard  
Goley, Jeffrey  
Hansen, Herbert  
Jean, Loren  
L'Heureux, Robert  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Pappas, Marc  
Rowe, Robert  
Vaillancourt, Steve

Baroody, Benjamin  
Bergin, Peter  
Burkush, James  
Clegg, Robert Jr  
Craig, James  
Desrosiers, William  
Emerton, Lawrence  
Flora, Kathleen  
Gorman, Mary  
Herman, Keith  
Johnson, Lionel  
LaPorte, George  
MacGillivray, Jeffrey  
McDonald, James Sr  
Milligan, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sargent, Maxwell  
Wall, Nancy

Batula, Peter  
Brundige, Robert  
Calawa, Leon Jr  
Cote, David  
Dalianis, Griffin  
Dokmo, Cynthia  
Fenton, James  
Gagnon, Eugene  
Goulet, Maurice  
Holley, Sylvia  
Keye, Harvey  
Leishman, Peter  
Martel, Andre  
McGough, Tim  
Moran, Edward  
O'Hearn, Jane  
Peterson, Andrew  
Thulander, O Alan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Larrabee, David Sr  
Nichols, Avis

Asplund, Bronwyn  
Lavoie, Gerard  
Whalley, Michael

Hess, David  
Leber, William

Langer, Ray  
Marple, Richard

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Cooney, Richard  
Dearborn, Bruce  
Flanders, David  
Griffin, Mary  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Mary Lou  
Priestley, Anne  
Raynowska, Bernard  
Sapareto, Frank  
Tufts, J Arthur  
Welch, David

Beaulieu, Jon  
Carson, Gregory  
Corbin, C David  
DiFruscia, Anthony  
Flanders, John Sr  
Hamel, Albert  
Kobel, Rudolph  
Mikowski, Walter  
Nowe, Ronald  
Putnam, Ed II  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas  
Whittier, John

Belanger, Ronald  
Christie, Andrew Jr  
Cox, Russell  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Letourneau, Robert  
Moore, Benjamin  
O'Neil, Michael  
Quandt, Marshall  
Rubin, George  
Stone, Joseph  
Verani, Giovanni  
Zolla, William

Bishop, Franklin  
Clark, Vivian  
Dalrymple, Janeen  
Fesh, Robert  
Grant, Kenneth  
Katsakiores, George  
Major, Norman  
Morse, Charles  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Stritch, C Donald  
Weare, Everett

**STRAFFORD**

Berube, Roger  
Lundborn, Raymond  
Spear, Barbara  
Woods, Phyllis

Brown, George  
McKinley, Robert  
Taylor, Kathleen

Cossette, Larry  
Musler, George  
Torr, Franklin

Heon, Richard  
Rollo, Michael  
Tsiros, William

**SULLIVAN**

Flint, Gordon Sr

Kibbey, David

and reconsideration failed.

Rep. Weatherspoon voted Yea and intended to vote Nay.

**SENATE MESSAGES (CONT'D.)****REQUESTS CONCURRENCE WITH AMENDMENTS****HB 346-FN-A**, relative to permissible fireworks. (Amendment printed SJ 28, 10/18/99)

Rep. Welch moved that the House nonconcur and request a Committee of Conference and spoke in favor. Adopted.

The Speaker appointed Reps. Welch, Hunter, Mikowski and Vaillancourt.

**HB 577**, relative to the power of a school district to expend catastrophic special education funds and relative to the exemption of certain unexpected catastrophic special education expenses from the provisions of the municipal budget law. (Amendment printed SJ 28, 10/19/99)

Rep. O'Hearn moved that the House concur and spoke in favor.

Adopted.

**HB 746**, relative to emergency police assistance. (Amendment printed SJ 28, 10/19/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**RESOLUTION**Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, November 3, 1999 at 10:00 a.m.

Adopted.

**LATE SESSION****RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 11:45 a.m.

**RECESS****(Rep. Nordgren in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 669 and House Joint Resolution 10.

Rep. Whalley, Sen. D'Allesandro for the Committee

**RECESS****(Rep. Royce in the Chair)****ENROLLED BILL AMENDMENTS****HB 84**, establishing a committee to study the penalties for driving under the influence of intoxicating liquor or controlled drugs in the state, and the education and treatment services available to offenders.**Amendment (2154-EBA)**

Amend section 4 of the bill by replacing line 1 with the following:

4 Chairpersons. The members of the committee shall elect a chairperson from Amend section 5 of the bill by replacing line 3 with the following: senate clerk, the governor, and the state library on or before November 1, 2000. Adopted.

**HB 537**, relative to background checks for firearms purchases.

**Amendment (2148-EBA)**

Amend RSA 159-D:1 as inserted by section 1 of the bill by replacing line 3 with the following: the National Instant Criminal Background Check System (NICS). Adopted.

**RECESS**

**(Speaker Sytek in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 84 and 363.  
Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECESS**

**(Rep. Konys in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 537 and 645.  
Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECESS**

**(Rep. Chandler in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 224-FN-A**, establishing a joint committee on code enforcement.

**Amendment (2209-EBA)**

Amend the bill by replacing section 2 with the following:  
2 Effective Date. This act shall take effect upon its passage.  
Adopted.

**HB 501-FN-A**, relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton.

**Amendment (2172-EBA)**

Amend the bill by replacing section 4 with the following:  
4 Effective Date. This act shall take effect upon its passage.  
Adopted.

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.  
Adopted.

**HOUSE JOURNAL No. 27**

Wednesday, November 3, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Gary Johnson from the Franconia Community Church of Christ.

Creator of the universe, we bow before You in reverence and humility. We are aware that You have created this world and everything and everyone in it. All people are Your children and we understand that that makes all people our brothers and sisters. We acknowledge that You ask of us only one thing and that is to take care of one another. The men and women gathered in this hall today have a particular responsibility to our brothers and sisters. Give us the ability to know when to speak and when to listen. Let our words be clear; let our ears and our minds be open. We pray for guidance; we pray for love and understanding; we pray for wisdom and insight; we pray for patience and a caring spirit. And when it is done, we give You the honor and the glory. Amen.

Rep. Drabinowicz led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Courchesne, DePecol, Ford, Golden, Hawkinson, Kenneth MacDonald, Irene Pratt, Searles and Snyder, the day, illness.

Reps. Arndt, Asplund, Bradley, Christie, Doucette, David Flanders, Fletcher, Fortnam, Guay, Harmon, Morse, Marsha Pelletier, Phinney, Reeves, Marjorie Smith, Soltani, Tholl, Torressen, Williams and Woodward, the day, important business.

Reps. Julie Brown, Clemons, Dawe and Torr, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Malinda Pillsbury, guest of Rep. McKinney.

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 746.

Rep. Ronald Nowe for the Committee

**REGULAR CALENDAR**

**HB 999-FN-A-L**, an act establishing a uniform education property tax to provide funding for an adequate public education and providing education property tax hardship relief to low and moderate income taxpayers. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Alukonis for Finance: HB 999 establishes a uniform statewide property tax for the purpose of funding an adequate education. The bill utilizes many of the well-considered elements of the property tax originally adopted in HB 117 and further incorporates a program for property tax hardship relief for low- to moderate-income taxpayers.

The hardship provision functions by granting a rebate of up to 100% of any growth in education property taxes greater than those on the 1998 property tax bill. The 100% rebate would be available to single individuals with adjusted gross incomes of up to \$15,000. The same level of rebate would be available to married couples and heads of households with incomes up to \$30,000. Lesser levels of rebate would be available for singles with incomes up to \$25,000 and married persons/heads of households of up to \$50,000. Further, the rebate applies only to the first \$200,000 of equalized value of an applicant's primary residence. The entire hardship relief provision sunsets in four years.

The committee amendment makes numerous minor technical changes to the bill as a result of discussions with the Department of Revenue Administration (DRA) and the N.H. Municipal Association. Of significance are the following changes:

1. The amendment removes the provision that allowed for municipalities to administer the abatements. Rather, the committee agrees with the DRA and NHMA that the DRA should be the sole "handler" of all abatement requests.



2. The committee has added a standard severability clause to the bill. If any provision of the bill is deemed invalid, the remaining provisions and applications shall remain in effect.

3. The DRA is granted emergency rulemaking authority for a period of 180 days subsequent to passage in order to allow for an expeditious application of the hardship abatements.

The financial implications of the bill. As in HB 117, the statewide property tax at the rate of \$6.60 per thousand dollars of assessed valuation raises \$442.1 million. The hardship relief provisions reduce that amount by \$8 million, \$3 million in the first year of the biennium and \$5 million in the second.

The elimination of the phase-in and the substitution of the hardship relief provisions result in net additional revenue of approximately \$33 million over the biennium. This would reduce the so-called Claremont "gap" from \$104 million to \$71 million.

The committee amendment also calls for the transfer of \$31 million of unanticipated general fund surplus from FY 1999 to the Education Trust Fund. This would further reduce the "gap" to \$40 million. In addition, the amendment increases anticipated lapses for the current biennium by \$10 million based on our experience in the last biennium. The net result is that our "gap" would stand at \$30 million. Vote 12-6.

### Amendment (2214h)

Amend RSA 198:50, II as inserted by section 12 of the bill by replacing it with the following:

II. "Homestead" means the dwelling owned by a claimant or, in the case of a multi-unit dwelling, the portion of the dwelling which is owned and used as the claimant's principal place of residence and the claimant's domicile for purposes of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph, the term "owned" includes a vendee in possession under a land contract and one or more joint tenants or tenants in common. Amend RSA 198:51 as inserted by section 12 of the bill by replacing it with the following:

198:51 Education Property Tax Hardship Relief.

I. Pursuant to the provisions of this subdivision, eligible claimants shall be granted education property tax hardship relief following the effective date of the reenactment of the statewide property tax under RSA 76:3 in this act.

II. Residents shall apply to the department of revenue administration for such relief.

III. An eligible hardship relief claimant is a person who:

(a) Owns a homestead or interest in a homestead subject to the education property tax;

(b) Has resided in such homestead for a period of one year, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile;

(c) Realizes in any year after the effective date of the reenactment of the statewide property tax under RSA 76:3 in this act a net increase in property taxes, exclusive of municipal and county taxes, which exceeds the local education property tax portion of such claimant's local property taxes for the tax year ended March 31, 1999; and

(d) Realizes total household income of \$25,000 or less if a single person and \$50,000 or less if a married person or head of a New Hampshire household.

IV. A portion of the net increase in an eligible hardship relief claimant's property taxes, exclusive of municipal and county taxes, shall be abated as follows:

(a) Deduct the municipal and county tax rates from the claimant's total current tax rate;

(b) Subtract the amount of the claimant's local education property tax rate for the tax year ended March 31, 1999 from the sum computed in subparagraph (a) to determine the net rate increase;

(c) Multiply the net rate increase computed in subparagraph (b) by the following percentage as applicable to determine the amount of the hardship relief:

(1) If a single person and total household income is:

(A) less than \$15,000, 100 percent of the net rate increase;

(B) \$15,000 but less than \$20,000, 66 2/3 percent of the net rate increase; or

(C) \$20,000 but less than \$25,000, 33 1/3 percent of the net rate increase.

(2) If a married person or a head of a New Hampshire household and total household income is:

- (A) less than \$30,000, 100 percent of the net rate increase;
- (B) \$30,000 but less than \$40,000, 66 2/3 percent of the net rate increase; or
- (C) \$40,000 but less than \$50,000, 33 1/3 percent of the net rate increase.

(d) Multiply the amount computed in subparagraph (c) by the local assessed valuation from the 1998 property tax bill.

(e) The total amount of tax relief allowable in any year shall not exceed the amount the claimant would receive with respect to a homestead with an equalized value of \$200,000 in that municipality for tax year 1998.

V. If a homestead is owned by 2 or more persons as joint tenants or tenants in common, and one or more of such joint owners do not principally reside at such homestead, hardship relief applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. Only one claim may be filed for a single homestead.

VI. Claims filed with the department of revenue administration shall be filed within 60 days of the due date of the taxes.

VII. Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the immediately prior tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the claimant's social security number. Any documents submitted shall be considered confidential, handled so as to protect the privacy of the claimant, and shall be destroyed after all appeal periods have expired.

VIII. The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

Amend RSA 198:52 as inserted by section 12 of the bill by replacing it with the following:

198:52 Rulemaking; Forms; Notice.

I. The commissioner shall adopt emergency rules under RSA 541-A relative to the administration of excess tax payments and the hardship relief provisions of this subdivision. Notwithstanding RSA 541-A:18, II, such emergency rules shall be effective for 180 days. After 180 days the commissioner shall adopt rules pursuant to RSA 541-A.

II. The commissioner shall approve and provide forms relative to the administration of this subdivision.

III. Claim forms shall include the following:

- (a) Instructions on completing and filing the form;
- (b) Sections for information concerning the claimant, the claimant's household, the property for which relief is sought and such other information as is reasonably necessary to determine the accuracy of the claim;
- (c) Instructions on appeal procedure and time limits relative to such appeals;
- (d) A place for the claimant's signature with a certification by the claimant that the claim is made in good faith and that the facts contained in the claim are true.

IV. The commissioner shall publicize notice of the education property tax hardship relief provisions in a suitable manner.

Amend RSA 198:53, II as inserted by section 12 of the bill by replacing it with the following:

II. The commissioner may assess and collect the amount of any sums granted for hardship relief relative to a fraudulent or erroneously paid claim including interest provided under RSA 21-J:28 and an additional penalty of 25 percent for the erroneous amount of such claim or an additional penalty of the greater of 25 percent or \$1,000 for a fraudulent claim.

Amend RSA 198:54 as inserted by section 12 of the bill by replacing it with the following:

198:54 Appeals.

I. Whenever the commissioner refuses to grant a claimant an education property tax hardship relief claim, the claimant may appeal in writing within 30 days of notice of such refusal to the board of tax and land appeals.

II. When a taxpayer appeals the denial of a claim to the board of tax and land appeals, the board may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the board finds the commissioner's action to be arbitrary or unreasonable.

Amend RSA 198:55 as inserted by section 12 of the bill by replacing it with the following:

198:55 Refund of Tax Claims. The department of revenue administration shall review a claim for hardship relief filed with it and, if such claim is determined to be valid, shall certify such amount

to the state treasurer within 90 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

Amend the bill by replacing all after section 15 with the following:

16 Appropriation. The sum of \$200,000 is hereby appropriated for the biennium ending June 30, 2001 from the education trust fund established in RSA 198:39 to the department of revenue administration for the purpose of administering the education property tax hardship relief provisions established in RSA 198:50-55.

17 General Fund; Deposit of Undesignated Surplus into the Education Trust Fund for the Biennium Ending June 30, 1999. Notwithstanding the provisions of RSA 9:13-e, the state treasurer shall deposit any general fund undesignated surplus as of June 30, 1999 into the education trust fund as established in RSA 198:39.

18 Estimate of General Fund Undesignated Surplus for Biennium Ending June 30, 2001; Lapses Adjusted. Amend 1999, 159:13 to read as follows

13 Estimate of General Fund Undesignated Surplus.

### **GENERAL FUND**

(Dollars in Thousands)

	<u><b>FY 2000</b></u>	<u><b>FY 2001</b></u>
Balance, July 1	\$0	[ <del>\$(3,509)</del> ] <b>\$1,491</b>
Additions:		
Unrestricted Revenue		
Unrestricted Revenue-Net of Medicaid	961,148	1,003,757
Medicaid Enhancement Revenues	63,700	65,300
Uncompensated Care	<u>10,000</u>	<u>10,000</u>
Total Unrestricted Revenue	1,034,848	1,079,057
Appropriations:		
Gross Appropriations (Section 1)	1,064,842	1,093,465
Legislative Specials	530	455
Footnote Reductions/Adjustments	5,548	13,024
Reduction in Judicial Appropriation	<u>(4,563)</u>	<u>(4,480)</u>
Total Appropriations	1,066,357	1,102,464
Less Lapses	[ <del>(26,000)</del> ] <b>(31,000)</b>	[ <del>(26,000)</del> ] <b>(31,000)</b>
Lapse Percent	<u>[<del>2.44%</del>] 2.90%</u>	<u>[<del>2.36%</del>] 2.81%</u>
Net Appropriations	[ <del>1,040,357</del> ] 1,035,357	[ <del>1,076,464</del> ] 1,071,464
GAAP Adjustment	2,000	2,000
Current Year Balance	[ <del>(3,509)</del> ] <b>1,491</b>	[ <del>4,593</del> ] <b>9,593</b>
Balance, June 30	[ <del>(3,509)</del> ] <b>1,491</b>	[ <del>1,084</del> ] <b>11,084</b>

19 Severability. If any provision of this act or the application thereof to any person or circumstance is deemed invalid, the invalidity does not affect the other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

20 Repeal. RSA 198:50-55, relative to education property tax hardship relief, is repealed.

21 Effective Date.

I. Section 20 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect upon its passage.

Rep. Kurk spoke against.

The amendment failed.

Rep. Lozeau offered the Lozeau/Burling floor amendment.

### **Floor Amendment (2229h)**

Amend RSA 198:50, II as inserted by section 12 of the bill by replacing it with the following:

II. "Homestead" means the dwelling owned by a claimant or, in the case of a multi-unit

dwelling, the portion of the dwelling which is owned and used as the claimant's principal place of residence and the claimant's domicile for purposes of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph, the term "owned" includes a vendee in possession under a land contract and one or more joint tenants or tenants in common.

Amend RSA 198:51 and RSA 198:52 as inserted by section 12 of the bill by replacing them with the following:

**198:51 Education Property Tax Hardship Relief.**

I. Pursuant to the provisions of this subdivision, eligible claimants shall be granted education property tax hardship relief following the effective date of the reenactment of the statewide property tax under RSA 76:3 in this act.

II. Residents shall apply to the department of revenue administration for such relief.

III. An eligible hardship relief claimant is a person who:

(a) Owns a homestead or interest in a homestead subject to the education property tax;

(b) Has resided in such homestead for a period of one year, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile;

(c) Realizes in any year after the effective date of the reenactment of the statewide property tax under RSA 76:3 in this act a net increase in property taxes, exclusive of municipal and county taxes, which exceeds the local education property tax portion of such claimant's local property taxes for the tax year ended March 31, 1999; and

(d) Realizes total household income of \$25,000 or less if a single person and \$50,000 or less if a married person or head of a New Hampshire household.

IV. A portion of the net increase in an eligible hardship relief claimant's property taxes, exclusive of municipal and county taxes, shall be rebated as follows:

(a) Deduct the municipal and county tax rates from the claimant's total current tax rate;

(b) Subtract the amount of the claimant's local education property tax rate for the tax year ended March 31, 1999 from the sum computed in subparagraph (a) to determine the net rate increase;

(c) Multiply the net rate increase computed in subparagraph (b) by the following percentage as applicable to determine the amount of the hardship relief:

(1) If a single person and total household income is:

(A) less than \$15,000, 100 percent of the net rate increase;

(B) \$15,000 but less than \$20,000, 66 2/3 percent of the net rate increase; or

(C) \$20,000 but less than \$25,000, 33 1/3 percent of the net rate increase.

(2) If a married person or a head of a New Hampshire household and total household income is:

(A) less than \$30,000, 100 percent of the net rate increase;

(B) \$30,000 but less than \$40,000, 66 2/3 percent of the net rate increase; or

(C) \$40,000 but less than \$50,000, 33 1/3 percent of the net rate increase.

(d) Multiply the amount computed in subparagraph (c) by the local assessed valuation from the 1998 property tax bill.

(e) The total amount of tax relief allowable in any year shall not exceed the amount the claimant would receive with respect to a homestead with an equalized value of \$200,000 in that municipality for tax year 1998.

V. If a homestead is owned by 2 or more persons as joint tenants or tenants in common, and one or more of such joint owners do not principally reside at such homestead, hardship relief applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. Only one claim may be filed for a single homestead.

VI. Claims filed with the department of revenue administration shall be filed within 60 days of the due date of the taxes.

VII. Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the immediately prior tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in

lieu of a tax return which document shall include the claimant's social security number. Any documents submitted shall be considered confidential, handled so as to protect the privacy of the claimant, and shall be destroyed after all appeal periods have expired.

VIII. The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

198:52 Rulemaking; Forms; Notice.

I. The commissioner shall adopt emergency rules under RSA 541-A relative to the administration of excess tax payments and the hardship relief provisions of this subdivision. Notwithstanding RSA 541-A:18, II, such emergency rules shall be effective for 180 days. After 180 days the commissioner shall adopt rules pursuant to RSA 541-A.

II. The commissioner shall approve and provide forms relative to the administration of this subdivision.

III. Claim forms shall include the following:

- (a) Instructions on completing and filing the form;
- (b) Sections for information concerning the claimant, the claimant's household, the property for which relief is sought and such other information as is reasonably necessary to determine the accuracy of the claim;
- (c) Instructions on appeal procedure and time limits relative to such appeals;
- (d) A place for the claimant's signature with a certification by the claimant that the claim is made in good faith and that the facts contained in the claim are true.

IV. The commissioner shall publicize notice of the education property tax hardship relief provisions in a suitable manner.

Amend RSA 198:53, II as inserted by section 12 of the bill by replacing it with the following:

II. The commissioner may assess and collect the amount of any sums granted for hardship relief relative to a fraudulent or erroneously paid claim including interest provided under RSA 21-J:28 and an additional penalty of 25 percent for the erroneous amount of such claim or an additional penalty of the greater of 25 percent or \$1,000 for a fraudulent claim.

Amend RSA 198:54 and RSA 198:55 as inserted by section 12 of the bill by replacing them with the following:

198:54 Appeals.

I. Whenever the commissioner refuses to grant a claimant an education property tax hardship relief claim, the claimant may appeal in writing within 30 days of notice of such refusal to the board of tax and land appeals.

II. When a taxpayer appeals the denial of a claim to the board of tax and land appeals, the board may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the board finds the commissioner's action to be arbitrary or unreasonable.

198:55 Refund of Tax Claims. The department of revenue administration shall review a claim for hardship relief filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 90 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

Amend the bill by replacing all after section 15 with the following:

16 Appropriation. The sum of \$200,000 is hereby appropriated for the biennium ending June 30, 2001 from the education trust fund established in RSA 198:39 to the department of revenue administration for the purpose of administering the education property tax hardship relief provisions established in RSA 198:50-55.

17 General Fund; Deposit of Undesignated Surplus into the Education Trust Fund for the Biennium Ending June 30, 1999. Notwithstanding the provisions of RSA 9:13-e, the state treasurer shall deposit any general fund undesignated surplus as of June 30, 1999 into the education trust fund as established in RSA 198:39.

18 Estimate of General Fund Undesignated Surplus for Biennium Ending June 30, 2001; Lapses Adjusted. Amend 1999, 159:13 to read as follows

13 Estimate of General Fund Undesignated Surplus.

**GENERAL FUND**

(Dollars in Thousands)

	<u>FY 2000</u>	<u>FY 2001</u>
Balance, July 1	\$0	[\$(3,509)] <b>\$1,491</b>
Additions:		
Unrestricted Revenue		
Unrestricted Revenue-Net of Medicaid	961,148	1,003,757
Medicaid Enhancement Revenues	63,700	65,300
Uncompensated Care	<u>10,000</u>	<u>10,000</u>
Total Unrestricted Revenue	1,034,848	1,079,057
Appropriations:		
Gross Appropriations (Section 1)	1,064,842	1,093,465
Legislative Specials	530	455
Footnote Reductions/Adjustments	5,548	13,024
Reduction in Judicial Appropriation	<u>(4,563)</u>	<u>(4,480)</u>
Total Appropriations	1,066,357	1,102,464
Less Lapses	<del>[(26,000)]</del> <b>(31,000)</b>	<del>[(26,000)]</del> <b>(31,000)</b>
Lapse Percent	<del>[2.44%]</del> <b>2.90%</b>	<del>[2.36%]</del> <b>2.81%</b>
Net Appropriations	<del>[1,040,357]</del> <b>1,035,357</b>	<del>[1,076,464]</del> <b>1,071,464</b>
GAAP Adjustment	2,000	2,000
Current Year Balance	<del>[(3,509)]</del> <b>1,491</b>	<del>[4,593]</del> <b>9,593</b>
Balance, June 30	<del>[(3,509)]</del> <b>1,491</b>	<del>[1,084]</del> <b>11,084</b>

19 New Subparagraph; Exemption from Purchasing Requirements. Amend RSA 21-I:18, I by inserting after subparagraph (k) the following new subparagraph:

(l) Purchases of services from private contractors by the department of revenue administration with respect to the administration of education property tax hardship relief claims under RSA 198:50-55.

20 Intent; Repeals. By repealing RSA 198:40 and RSA 198:41 in section 21 of this act, the legislature intends to reconsider the per pupil adequate education amount and the formula for determination of adequate education grants in light of the December 1, 2000 report of the adequate education and education financing commission.

21 Repeal. The following are repealed:

I. RSA 76:3, relative to the education property tax.

II. RSA 198:40, relative to the determination of per pupil adequate education cost and the adequate education grant.

III. RSA 198:41, relative to determination of adequate education grants.

22 Repeal. The following are repealed:

I. RSA 21-I:18(l), relative to an exemption granted the department of revenue administration to contract for services with respect to the administration of education property tax hardship relief claims.

II. RSA 198:50-55, relative to education property tax hardship relief, is repealed.

23 Tax Policy Simulation and Forecasting Models. The legislative budget assistant, in consultation with the fiscal committee shall issue a request for proposals for the development and acquisition of a complete system of tax policy simulation and forecasting models for the state of New Hampshire including all necessary database development and training. The fiscal committee shall select and contract for the services of a qualified independent consultant and shall draw on existing sources of funds within the budget of the legislative budget assistant to fund the contract developed as a result of the selected proposal. The department of revenue administration and the department of administrative services shall provide such assistance as is requested by the fiscal committee, the legislative budget assistant, or the consultant in the development of databases for the models. The fiscal committee shall also develop a policy to allow access by the department of revenue administration and the department of administrative services to the system and training in its use. In the event certain tax models with databases from the Internal Revenue Service cannot reside in the office of the legislative budget assistant, then they shall be located in the department of revenue administration.

24 Severability. If any provision of this act or the application thereof to any person or circumstance is deemed invalid, the invalidity does not affect the other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

25 Effective Date.

I. Section 21 of this act shall take effect January 2, 2003.

II. Section 22 of this act shall take effect July 1, 2003.

III. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Establishes funding for an adequate education.

II. Establishes a uniform statewide education property tax.

III. Establishes education property tax hardship relief for certain taxpayers.

IV. Repeals RSA 76:3, relative to the education property tax, and RSA 198:40 and 198:41, relative to determination of per pupil cost and the amount of the adequate education grant.

V. Provides for tax policy simulation and forecasting model software for the legislative budget assistant.

Reps. Mirski, Corbin, John Pratt and Vaillancourt spoke against.

Rep. Burling spoke in favor.

Reps. Hess and Lozeau spoke in favor and yielded to questions.

Rep. Alger requested that the question be divided. The Speaker ruled that the question was divisible.

Rep. Alger moved that Sections 17 and 18 of the floor amendment be voted on separately and spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Alger requested a roll call; sufficiently seconded.

The question being the adoption of Sections 17 and 18 of the Lozeau/Burling floor amendment (2229h).

### YEAS 255 NAYS 96

#### YEAS 255

#### BELKNAP

Bartlett, Gordon  
Lawton, Robert  
Thomas, John

Boriso, Thomas  
Millham, Alida  
Turner, Robert

Holbrook, Robert  
Pilliod, James  
Wendelboe, Francine

Lawton, David  
Salatiello, Thomas  
Wood, Jane

#### CARROLL

Babson, David Jr  
Patten, Betsey

Chandler, Gene  
Philbrick, Donald

Dickinson, Howard

Lyman, L Randy

#### CHESHIRE

Avery, Stephen  
Lerandeau, Alfred  
Riley, William  
Russell, Ronald

Batchelder, Robert  
Lynch, Margaret  
Roberts, William  
Smith, Edwin

Burnham, Daniel  
Meador, David  
Rose, William  
Zerba, Roger

Hunt, John  
Pratt, John  
Royce, H Charles

#### COOS

Davis, Perley  
Merrill, Gerald

Glines, Sara  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

Mears, Edgar

#### GRAFTON

Akins, Ralph  
Dudley, Terri  
LaMott, Paul  
Scanlan, David

Almy, Susan  
Eaton, Stephanie  
Marshall, Gene  
Solow, Martha

Copenhaver, Marion  
Gilman, G Michael  
Nordgren, Sharon

Densmore, Jessica  
Ham, Bonnie  
Picconi, Al

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Belvin, William	Bergeron, Lucien
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon Jr	Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dwyer, Paul Sr	Emerton, Lawrence	Fenton, James	Fields, Dennis
Flora, Kathleen	Foster, Linda	Gagnon, Eugene	Ginsburg, Ruth
Goley, Jeffrey	Goulet, Maurice	Hall, Betty	Hansen, Herbert
Herman, Keith	Herman, Richard	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
Martel, Andre	McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Turgeon, Roland
White, Donald	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Crosby, Toni	Daneault, Gabriel
Davis, Francis	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray
Larrabee, David Sr	Lavoie, Gerard	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Wallin, Jean	Whalley, Michael	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Case, Margaret	Clark, Martha	Clark, Vivian
Cooney, Richard	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Hamel, Albert	Hutchinson, Rebecca
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Rabideau, Marie
Reardon, Neil	Ruffner, Walter	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

**STRAFFORD**

Berube, Roger	Brennan, William	Cossette, Larry	Domingo, Baldwin
Estabrook, Iris	Grassie, Anne	Johnson, Nancy	Kaen, Naida
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Spear, Barbara	Taylor, Kathleen	Twardus, Joseph
Vincent, Francis	Wall, Janet		



**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Wiggins, Celestine

Burling, Peter  
Jones, Constance

Cloutier, John  
Leone, Richard

Donovan, Thomas Jr  
McIntyre, Sara

**NAYS 96****BELKNAP**

Boyce, Robert  
Rosen, Ralph

Czech, Stanley

Johnson, James

Rice, Thomas

**CARROLL**

Howard, Godfrey

Kenney, Joseph

Mock, Henry

Sullivan, P Judith

**CHESHIRE**

Blaisdell, Michael  
Mitchell, McKim

Lynott, Margaret  
Richardson, Barbara

Manning, Joseph

McGuirk, Paul

**COOS**

Landers, Dana

**GRAFTON**

Alger, John  
Hinman, Harry  
Weber, Phil

Brothers, Richard  
Johnson, Gary

Cobb, John  
Mirski, Paul

Hall, David  
Ward, Brien

**HILLSBOROUGH**

Arnold, Thomas Jr  
Drabinowicz, A Theresa  
Gorman, Mary  
Leishman, Peter  
McRae, Karen  
Vaillancourt, Steve

Beaupre, Roland  
Franks, Suzan  
Haettenschwiller, Alphonse  
MacGillivray, Jeffrey  
Mendenhall, Leslie  
Wall, Nancy

Bergin, Peter  
Gagnon, Paul  
Jean, Loren  
Martin, Mary  
Ouellette, Dean  
White, John

Carlson, Donald  
Garrish, Linda  
LaPorte, George  
McCarthy, William  
Perkins, Paul

**MERRIMACK**

Brewster, Richard  
Jacobson, Alf  
St Cyr, Gerard

Chase, George  
Leber, William  
Virtue, Carolyn

Feuerstein, Martin  
Marple, Richard  
Whittemore, James

Fraser, Marilyn  
Seldin, Gloria

**ROCKINGHAM**

Blanchard, MaryAnn  
Grant, Kenneth  
Kelley, Jane  
Putnam, Ed II  
Splaine, James

Corbin, C David  
Henderson, Warren  
Norelli, Terie  
Quandt, Marshall  
Vaughn, Charles

Dearborn, Bruce  
Hutchinson, Karen  
Pantelakos, Laura  
Raynowska, Bernard

Flanagan, Natalie  
Kane, Cecelia  
Pitts, Jacqueline  
Rubin, George

**STRAFFORD**

Bickford, David  
Dunlap, Patricia  
Pelletier, Arthur  
Vachon, Dennis

Brown, George  
Gilmore, Gary  
Rogers, Rose Marie  
Woods, Phyllis

Callaghan, Frank  
Heon, Richard  
Rollo, Michael

DeChane, Marlene  
Keans, Sandra  
Spang, Judith

**SULLIVAN**

Kibbey, David  
Young, David

Phinizy, James

Robb-Theroux, Amy

Tuthill, John

and sections 17 and 18 were adopted.

The question now being the adoption of the remainder of the Lozeau/Burling floor amendment (2229h).  
Rep. Lozeau requested a roll call; sufficiently seconded.

**YEAS 239 NAYS 112****YEAS 239****BELKNAP**

Bartlett, Gordon  
 Pilliod, James  
 Turner, Robert

Boriso, Thomas  
 Rosen, Ralph  
 Wendelboe, Francine

Holbrook, Robert  
 Salatiello, Thomas  
 Wood, Jane

Millham, Alida  
 Thomas, John

**CARROLL**

Lyman, L Randy

Patten, Betsey

**CHESHIRE**

Avery, Stephen  
 Lerandeau, Alfred  
 Roberts, William  
 Smith, Edwin

Batchelder, Robert  
 Manning, Joseph  
 Rose, William

Burnham, Daniel  
 Meader, David  
 Royce, H Charles

Hunt, John  
 Riley, William  
 Russell, Ronald

**COOS**

Davis, Perley  
 Pratt, Leighton

Glines, Sara

Horton, Lynn

Mears, Edgar

**GRAFTON**

Akins, Ralph  
 Densmore, Jessica  
 LaMott, Paul  
 Scanlan, David

Almy, Susan  
 Dudley, Terri  
 Marshall, Gene  
 Solow, Martha

Cobb, John  
 Eaton, Stephanie  
 Nordgren, Sharon

Copenhaver, Marion  
 Gilman, G Michael  
 Picconi, Al

**HILLSBOROUGH**

Ahern, Richard  
 Arthur, Rose  
 Bergeron, Lucien  
 Burkush, James  
 Cote, David  
 Curran, James  
 Desmarais, Vivian  
 Dwyer, Paul Sr  
 Flora, Kathleen  
 Goley, Jeffrey  
 Hansen, Herbert  
 Hunter, Bruce  
 Konys, Christine  
 Lasky, Bette  
 MacGillivray, Jeffrey  
 McDonough-Wallace, Alice  
 Milligan, Robert  
 Murphy, Robert  
 Pappas, Marc  
 Rowe, Robert  
 Tate, Joan  
 Withee, Dennis

Alukonis, David  
 Baroody, Benjamin  
 Brundige, Robert  
 Calawa, Leon Jr  
 Cote, Peter  
 Daigle, Robert  
 Desrosiers, William  
 Emerton, Lawrence  
 Foster, Linda  
 Gorman, Mary  
 Herman, Keith  
 Jean, Claudette  
 Kurk, Neal  
 Leonard, Peter  
 Martel, Andre  
 McGough, Tim  
 Moran, Edward  
 Nolan-Piteri, Dawn  
 Pepino, Leo  
 Sarette, John  
 Thulander, O Alan

Andrews, Frederick  
 Batula, Peter  
 Bruno, Pierre  
 Chabot, Robert  
 Coughlin, Pamela  
 Dalianis, Griffin  
 Dokmo, Cynthia  
 Fenton, James  
 Gagnon, Eugene  
 Goulet, Maurice  
 Herman, Richard  
 Johnson, Lionel  
 L'Heureux, Robert  
 Lozeau, Donnalee  
 McCarty, Winston  
 Melcher, Harold  
 Moriarty, Mary  
 O'Connell, Timothy  
 Peterson, Andrew  
 Sargent, Maxwell  
 Turgeon, Roland

Arnold, Thomas Jr  
 Belvin, William  
 Buckley, Raymond  
 Clegg, Robert Jr  
 Craig, James  
 Daniels, Gary  
 Durham, Susan  
 Fields, Dennis  
 Ginsburg, Ruth  
 Haettenschwiller, Alphonse  
 Holley, Sylvia  
 Keye, Harvey  
 LaRose, Richard  
 Lynde, Harold  
 McDonald, James Sr  
 Mercer, Robert  
 Mosher, William  
 O'Hearn, Jane  
 Reidy, Frank  
 Simon, Anthony  
 White, Donald

**MERRIMACK**

Anderson, Eric  
 Crosby, Toni  
 French, Barbara  
 Hoadley, Elizabeth

Bouchard, Candace  
 Daneault, Gabriel  
 Gile, Mary  
 Jacobson, Alf

Brewster, Richard  
 Davis, Francis  
 Hager, Elizabeth  
 Kennedy, Richard

Chase, George  
 Feuerstein, Martin  
 Hess, David  
 Langer, Ray

Larrabee, David Sr  
Marshall, Kenneth  
Potter, Frances  
Whalley, Michael

Lavoie, Gerard  
Maxfield, Roy  
Poulin, Dave

Leber, William  
Moore, Carol  
Reardon, Tara

Lockwood, Priscilla  
Nichols, Avis  
Rodd, Beth

## ROCKINGHAM

Abbott, Dennis  
Bridle, Russell  
Cooney, Richard  
Dowling, Patricia  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, George  
Lovejoy, Marian  
Nowe, Mary Lou  
O'Neil, Michael  
Reardon, Neil  
Shultis, Elizabeth  
Varrell, Thomas  
Whittier, John

Beaulieu, Jon  
Case, Margaret  
Cote, Patricia  
Downing, Michael  
Gibbons, Paul  
Hutchinson, Karen  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Packard, Sherman  
Ruffner, Walter  
Stone, Joseph  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Clark, Martha  
Cox, Russell  
Fesh, Robert  
Gleason, John  
Hutchinson, Rebecca  
Kobel, Rudolph  
McKinney, Betsy  
Noyes, Richard  
Priestley, Anne  
Schanda, Frank  
Stritch, C Donald  
Weatherspoon, Jackie

Bishop, Franklin  
Clark, Vivian  
Dalrymple, Janeen  
Flanders, John Sr  
Griffin, Mary  
Johnson, Robert  
Letourneau, Robert  
Mikowski, Walter  
O'Keefe, Patricia  
Rabideau, Marie  
Shelton, Richard  
Tufts, J Arthur  
Welch, David

## STRAFFORD

Berube, Roger  
Domingo, Baldwin  
Knowles, William  
Musler, George  
Vincent, Francis

Brennan, William  
Estabrook, Iris  
Lent, Donald  
Spang, Judith  
Wall, Janet

Brown, George  
Gilmore, Gary  
Lundborn, Raymond  
Taylor, Kathleen  
Woods, Phyllis

Cossette, Larry  
Kaen, Naida  
McKinley, Robert  
Twardus, Joseph

## SULLIVAN

Burling, Peter  
McIntyre, Sara

Cloutier, John  
Robb-Theroux, Amy

Flint, Gordon Sr  
Wiggins, Celestine

Leone, Richard

## NAYS 112

## BELKNAP

Boyce, Robert  
Lawton, Robert

Czech, Stanley  
Rice, Thomas

Johnson, James

Lawton, David

## CARROLL

Babson, David Jr  
Kenney, Joseph

Chandler, Gene  
Mock, Henry

Dickinson, Howard  
Philbrick, Donald

Howard, Godfrey  
Sullivan, P Judith

## CHESHIRE

Blaisdell, Michael  
Mitchell, McKim

Lynch, Margaret  
Pratt, John

Lynott, Margaret  
Richardson, Barbara

McGuirk, Paul  
Zerba, Roger

## COOS

Landers, Dana

Merrill, Gerald

Rodrigue, Robert

## GRAFTON

Alger, John  
Hinman, Harry  
Weber, Phil

Brothers, Richard  
Johnson, Gary

Hall, David  
Mirski, Paul

Ham, Bonnie  
Ward, Brien

## HILLSBOROUGH

Beaupre, Roland  
Drabinowicz, A Theresa

Bergin, Peter  
Franks, Suzan

Carlson, Donald  
Gagnon, Paul

Christiansen, Lars  
Garrish, Linda

Hall, Betty  
Lessard, Rudy  
McRae, Karen  
Perkins, Paul

Jean, Loren  
Martin, Mary  
Mendenhall, Leslie  
Vaillancourt, Steve

LaPorte, George  
McCarthy, William  
Messier, Irene  
Wall, Nancy

Leishman, Peter  
McColgan, Philip Jr  
Ouellette, Dean  
White, John

### MERRIMACK

Fraser, Marilyn  
St Cyr, Gerard  
Yeaton, Charles

Marple, Richard  
Virtue, Carolyn

Owen, Derek  
Wallin, Jean

Seldin, Gloria  
Whittemore, James

### ROCKINGHAM

Blanchard, MaryAnn  
Dunham, Vivian  
Kane, Cecelia  
Moore, Benjamin  
Putnam, Ed II  
Sabella, Norma  
Weyler, Kenneth

Corbin, C David  
Flanagan, Natalie  
Kelley, Jane  
Norelli, Terie  
Quandt, Marshall  
Sapareto, Frank

Dearborn, Bruce  
Grant, Kenneth  
Langley, Jane  
Pantelakos, Laura  
Raynowska, Bernard  
Splaine, James

DiFruscia, Anthony  
Henderson, Warren  
Langone, John  
Pitts, Jacqueline  
Rubin, George  
Vaughn, Charles

### STRAFFORD

Bickford, David  
Grassie, Anne  
Pelletier, Arthur  
Vachon, Dennis

Callaghan, Frank  
Heon, Richard  
Rogers, Rose Marie

DeChane, Marlene  
Johnson, Nancy  
Rollo, Michael

Dunlap, Patricia  
Keans, Sandra  
Spear, Barbara

### SULLIVAN

Allison, David  
Phinizy, James

Donovan, Thomas Jr  
Tuthill, John

Jones, Constance  
Young, David

Kibbey, David

and the remainder of the floor amendment was adopted.

Rep. Mirski offered a floor amendment.

### Floor Amendment (2223h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the state's cost per pupil of an adequate education.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court finds that the state's per pupil adequate education cost needs to be accurately determined before appropriating state aid for an adequate education. The per pupil cost of an adequate education is a function of all of the program components of an education, currently being determined by the adequate education and education financing commission established in RSA 198:49, and which will be subject to review and adjustment by the legislature prior to implementation. The general court intends to set the per pupil cost of a constitutionally adequate education at zero dollars until such time as the process for determining that cost is completed by the legislature.

2 Determination of Per Pupil Adequate Education Cost. RSA 198:40 is repealed and reenacted to read as follows:

198:40 Determination of Per Pupil Adequate Education Cost. The per pupil cost of a constitutionally adequate education shall be zero dollars until such time as an accurate determination of such cost, which is a function of all of the program components of an education, is set by the adequate education and education financing commission established in RSA 198:49, and is subsequently reviewed, adjusted, and adopted by the legislature.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill sets the per pupil cost of an adequate education at zero dollars until an accurate determination of the cost is set by the adequate education and education financing commission and subsequently reviewed, adjusted, and adopted by the legislature.

Rep. Mirski spoke in favor and yielded to questions.  
 Rep. Mirski requested a roll call; sufficiently seconded.  
 The question being the adoption of the Mirski floor amendment (2223h).

**YEAS 53 NAYS 296****YEAS 53****BELKNAP**

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Johnson, James
Lawton, David	Rice, Thomas		

**CARROLL**

Chandler, Gene	Dickinson, Howard	Howard, Godfrey	Mock, Henry
Sullivan, P Judith			

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

Brothers, Richard	Gilman, G Michael	Hall, David	Ham, Bonnie
Hinman, Harry	Mirski, Paul	Weber, Phil	

**HILLSBOROUGH**

Beaupre, Roland	Christiansen, Lars	Clegg, Robert Jr	Daniels, Gary
Desmarais, Vivian	Hansen, Herbert	Jean, Loren	Lessard, Rudy
Martel, Andre	Martin, Mary	McRae, Karen	Milligan, Robert
Ouellette, Dean	Wall, Nancy	White, Donald	

**MERRIMACK**

Kennedy, Richard	Marple, Richard	Whittemore, James
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**ROCKINGHAM**

Beaulieu, Jon	Corbin, C David	Dunham, Vivian	Flanagan, Natalie
Grant, Kenneth	Hamel, Albert	Langley, Jane	Moore, Benjamin
Packard, Sherman	Putnam, Ed II	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Rubin, George	Weyler, Kenneth	

**STRAFFORD**

Woods, Phyllis

**SULLIVAN**

Leone, Richard

**NAYS 296****BELKNAP**

Bartlett, Gordon	Holbrook, Robert	Lawton, Robert	Millham, Alida
Pilliod, James	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	

**CARROLL**

Babson, David Jr	Kenney, Joseph	Lyman, L Randy	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Riley, William	Roberts, William
Rose, William	Royce, H Charles	Russell, Ronald	Smith, Edwin
Zerba, Roger			

**COOS**

Davis, Perley	Glines, Sara	Horton, Lynn	Landers, Dana
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
Johnson, Gary	LaMott, Paul	Marshall, Gene	Nordgren, Sharon
Picconi, Al	Scanlan, David	Solow, Martha	

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Burkush, James	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Daigle, Robert	Dalianis, Griffin
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan
Dwyer, Paul Sr	Emerton, Lawrence	Fenton, James	Fields, Dennis
Flora, Kathleen	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Herman, Keith	Herman, Richard	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaPorte, George	LaRose, Richard
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William	McCarty, Winston
McColgan, Philip Jr	McDonald, James Sr	McDonough-Wallace, Alice	McGough, Tim
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Moran, Edward	Moriarty, Mary	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Perkins, Paul	Peterson, Andrew	Reidy, Frank
Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve
White, John	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Whalley, Michael	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Case, Margaret	Clark, Martha	Clark, Vivian

Cooney, Richard  
Dearborn, Bruce  
Fesh, Robert  
Gleason, John  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Letourneau, Robert  
Mikowski, Walter  
Noyes, Richard  
Pitts, Jacqueline  
Sabella, Norma  
Shultis, Elizabeth  
Tufts, J Arthur  
Weatherspoon, Jackie

Cote, Patricia  
DiFruscia, Anthony  
Flanders, John Sr  
Griffin, Mary  
Johnson, Robert  
Kelley, Jane  
Lovejoy, Marian  
Norelli, Terie  
O'Keefe, Patricia  
Priestley, Anne  
Sapareto, Frank  
Splaine, James  
Varrell, Thomas  
Welch, David

Cox, Russell  
Dowling, Patricia  
Francoeur, Sheila  
Henderson, Warren  
Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
O'Neil, Michael  
Reardon, Neil  
Schanda, Frank  
Stone, Joseph  
Vaughn, Charles  
Whittier, John

Dalrymple, Janeen  
Downing, Michael  
Gibbons, Paul  
Hutchinson, Karen  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Ruffner, Walter  
Shelton, Richard  
Stritch, C Donald  
Weare, Everett  
Zolla, William

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Johnson, Nancy  
Lent, Donald  
Pelletier, Arthur  
Spear, Barbara  
Vincent, Francis

Bickford, David  
Cossette, Larry  
Gilmore, Gary  
Kaen, Naida  
Lundborn, Raymond  
Rogers, Rose Marie  
Taylor, Kathleen  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Grassie, Anne  
Keans, Sandra  
McKinley, Robert  
Rollo, Michael  
Twardus, Joseph

Brown, George  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Musler, George  
Spang, Judith  
Vachon, Dennis

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Phinizy, James  
Young, David

Burling, Peter  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Kibbey, David  
Tuthill, John

Donovan, Thomas Jr  
McIntyre, Sara  
Wiggins, Celestine

and the floor amendment failed.

Rep. Rosen voted Nay and intended to vote Yea.

Rep. Mirski offered a floor amendment.

### Floor Amendment (2226h)

Amend the bill by replacing all after section 18 with the following:

19 Repeal. RSA 198:50-55, relative to education property tax hardship relief, is repealed.

20 Effective Date.

I. Section 19 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect upon its passage.

Rep. Mirski spoke in favor, then withdrew his floor amendment (2226h).

Rep. Mirski offered a floor amendment.

### Floor Amendment (2231h)

Amend the title of the bill by replacing it with the following:

AN ACT rejecting certain ruling of the supreme court in Claremont I and Claremont II.

Amend the bill by replacing all after the enacting clause with the following:

1 Preamble. The legislature finds that:

I. In order to preserve the taxing authority reserved to the people of New Hampshire by the state constitution and in order to preserve the power granted the legislature to represent the interests of the people, the legislature rejects those aspects of the Claremont I and Claremont II rulings which require the state to "guarantee" funding of a constitutionally adequate education. Article 28 of part I of the New Hampshire constitution requires that:

"No subsidy, charge, tax, impost or duty, shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body."

II. To accede to the court's Claremont I ruling - reaffirmed in Claremont II - that the state "guarantee" funding of a constitutionally adequate education would be to concede that education spending should always preempt spending for public safety, public health, disaster relief, public welfare, job creation, infrastructure improvements, criminal justice, the judiciary and the courts, pollution control, recreation, natural resources and the environment, public parks, and the administration of government itself.

III. To concur with the court that education funding be "guaranteed" would be to remove 1/3 or more of all current public spending from meaningful public debate.

IV. To concur with the court would be to deny the people's constitutional right, under part I, article 28, to vote on which of those services of government are most important to them and to determine to what extent elected services are worthy of financial sacrifice.

V. To concur with the court that the people and their elected representatives must approve education funding as mandated by the court would cause the legislature to deny the people and their representatives the right to vote and would cause the legislature to become complicit in the extinction of representative government in New Hampshire.

VI. As constitutional officers, members of the legislature are compelled to support the constitution of New Hampshire. Legislators are compelled by the constitution to maintain constitutional separation of powers and to insure that the cost of government not be imposed on the people without their consent. The legislature finds that the court's holding that the state "guarantee" education funding irresolvably conflicts with part I, article 28.

VII. If allowed to stand, the supreme court's rulings will materially affect the separation and balance of power among the 3 branches of government in ways which transcend taxes and spending.

VIII. The court's rulings shift the power of government from the people to unelected bureaucracies appointed by the governor. The legislature believes that as the debate over what constitutes educational adequacy plays out, judges, rather than the people, will define and redefine what constitutes educational adequacy. The legislature further finds that by removing from the people the right to freely determine education funding the court grants itself and state bureaucracies unwarranted and unconstitutional influence over the disposition of what presently amounts to more than a billion dollars of spending statewide.

IX. The court's transference of powers belonging to the people, to the judiciary, and to the state's bureaucracies, is unconstitutional because the constitution prohibits the judicial and executive branches of government from exercising legislative authority.

X. The court's requirement that "adequate education's" appetite for appropriations be satisfied before the needs of any other state or municipal service will cause the funding demands of "adequate education" to dominate virtually all future public and legislative debate to the detriment of all other matters of public policy.

XI. Since funding of education will be required regardless of the state of the economy, during recessions educators and those employed within the state's education bureaucracy will be guaranteed their livelihoods while taxpayers suffer lost jobs. The legislature further finds that in order to guarantee education funding during recessions or whenever state revenues fail to meet expectations, state taxes and fees will either have to be increased or state services cut. Should taxes fail to be raised during future recessions, the legislature finds that state employees in all areas of government other than education may have to be laid off or dismissed in order to accommodate funding shortfalls.

XII. By elevating educators to privileged economic status, the supreme court aborts the fundamental intent of government articulated in part I, article 10 of the New Hampshire constitution which states that "Government ..." is "... instituted for the common benefit, protection, and security, of the whole community and not for the private interest or emolument of any one man, family or class of men ...".

XIII. If permitted to stand, the "state must guarantee funding" component of the Claremont I and II decision's will convert the New Hampshire house of representatives, the most representative legislature in the world, to an institution utterly subservient to forces beyond its control.

XIV. Education funding disparities between New Hampshire towns and cities must be resolved. Nevertheless, the legislature finds that it is constitutionally prohibited from considering any resolution of educational funding disparities which would diminish, in any way, the fundamental right of the people to determine how or for what purpose they should be taxed.



## 2 Statement of Intention to Reject Those Portions of the Supreme Court's Claremont I and Claremont II Rulings Which Require the State to "Guarantee" Funding of a Constitutionally Adequate Education.

### I. The legislature finds that:

(a) In Claremont School District v. Governor, 138 N.H. 186, 635 A.2d 1375 (1993) (Claremont I) the supreme court reversed the trial court's dismissal of the petition for declaratory and injunctive relief which challenged the method by which education is funded in New Hampshire, holding that "...it was the state's duty to provide a constitutionally adequate public education and to guarantee adequate funding...". The supreme court reasserted this view in Claremont II, basing its interpretation on the language of part II, article 83, of the New Hampshire constitution which states that it is the "...duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country..." The "...duty...to cherish..." the court said "...commands that the state support public schools."

(b) The supreme court further opined in Claremont II that since RSA 198:1-7 obligates the imposition of a school property tax in order to raise funds for education and since the court's interpretation of part II, article 83 requires the state to provide and fund education, the school property tax is, by its very nature, a state tax. The court concluded that since the statewide imposition of the school property tax results in tax disparities between communities, those disparities cause the school property tax to fail the constitutional requirement imposed by part II, article 5 that state taxes be proportionately levied.

(c) The people of New Hampshire granted the New Hampshire house of representatives and senate the exclusive constitutional authority to legislate on their behalf. That authority was given the legislature, with the understanding, that the power granted the general court and the authority granted the executive and judicial branches derives exclusively from the people and is limited in scope and application by the 39 articles which comprise part I of the New Hampshire constitution, its bill of rights. The constitution's bill of rights tempers all authority granted government in part II which defines New Hampshire's form of government.

(d)(1) The New Hampshire supreme court ruling of December 17, 1997 declaring present school-funding methodology unconstitutional is itself a clear violation of the constitution. It fails to heed the explicit words of part I, article 28 of the New Hampshire constitution which requires that: "No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body."

(2) The court does not have the power to mandate the tax which its ruling requires, given that part I, article 28 expressly prohibits the creation of any pretext by which the power to tax or impose charges of any kind upon the people might be wrested from "...the people, or their representatives in the legislature".

(3) As representatives of the people, legislators are individually and collectively required to assert the rights of the people when their rights are infringed. Given the supreme court's usurpation of the people's power to tax, it is now the responsibility of the legislature to right this grievous wrong.

(e) The supreme court's reasoning concerning the Claremont I and Claremont II decisions fails to recognize and abide by the limitations imposed by part I of the constitution upon the power and authority granted government in part II of the constitution, particularly with regard to taxes and how they shall be levied. Neither the judicial branch nor the executive branch can usurp the right of the people, "...or their representatives in the legislature..." with regard to either the election of funding priorities or the allocation of financial responsibility. The selection of governmental priorities worthy of financial sacrifice is solely the province of the people and their elected representatives to the general court.

(f) The fault with the New Hampshire supreme court's decision is that its interpretation of part II, article 83 imposes an obligation upon the people of New Hampshire to expend funds and to tax themselves in ways not freely determined by them. The New Hampshire supreme court does not possess the power to impose funding obligations upon the people of New Hampshire. The funding obligations which are inextricably a part of the Claremont I and Claremont II rulings cre-

ate a pretext for levying either a tax, charge, subsidy, impost, or duty upon the people in order to meet the obligations which the court has contrived. Since the constitution expressly prohibits the creation of any pretext which could require the people of New Hampshire to tax themselves, it follows that the supreme court's interpretation of part II, article 83 which creates such a pretext is fundamentally unconstitutional.

II. Therefore, since the holding of the supreme court in Claremont I to the effect that the state must guarantee funding, is unconstitutional on its face, the rationale and conclusions which follow and which are based upon that wrongful holding fail as well. For this reason, the legislature rejects the rulings of the New Hampshire supreme court in both the Claremont I and Claremont II cases to the extent that they require the state to "guarantee" funding of any sort and asserts that the legislature is constitutionally prohibited from complying with such rulings. The legislature cannot permit the judicial branch to usurp the fundamental right of the people to act freely with regard to choosing which of the financial burdens of government they wish to assume. For the legislature to act otherwise would be to reincarnate, validate, and reimpose the practice of taxation without representation, a practice which the adoption in the year 1784 of part I, article 28, of the bill of rights of the New Hampshire constitution was meant to cure.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill states that the legislature rejects the supreme court's Claremont I and Claremont II rulings to the extent to which the rulings require the state to "guarantee" funding of an adequate legislation, on the grounds that imposition upon the legislature of such a requirement is unconstitutional under part I, article 28 of the New Hampshire constitution.

Rep. Mirski spoke in favor, then withdrew his floor amendment 2231h

Rep Sapareto offered a floor amendment.

### Floor Amendment (2220h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the statewide education property tax, establishing a program to rebate certain excessive property tax payments of eligible taxpayers, and relative to funding of an adequate education.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose; Intent. In view of the New Hampshire supreme court decision of October 15, 1999, which determined that portions of the statewide property tax enacted in 1999, 17, are unconstitutional, the New Hampshire general court desires to reenact the statewide property tax, by appropriate revisions, to provide funding for an adequate public education.

2 Education Property Tax. RSA 76:3 is repealed and reenacted to read as follows:

76:3 Education Property Tax. An annual education property tax at a uniform rate established by the commissioner of revenue administration each year based on the equalized state education rate required to raise the sum calculated pursuant to RSA 198:40 and 41 is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F. The commissioner shall report to the legislature on or before December 1 of each year.

3 New Chapter; Statewide Education Property Tax Relief. Amend RSA by inserting after chapter 76 the following new chapter:

### CHAPTER 76-A

#### STATEWIDE EDUCATION PROPERTY TAX RELIEF

76-A:1 Definitions. In this chapter:

1. "Claimant" means a person who:

(a) Has filed a claim with a municipality for reduction in such claimant's property taxes under this chapter; and

(b) During the 3 fiscal years preceding the year in which the person files a claim for relief under this chapter:

(1) Has had an ownership interest in a homestead and was domiciled in the homestead upon which education property taxes have accrued and for which the person is making a claim for tax relief from the statewide education property tax in this state; and

(2) Was not a full-time student claimed as a dependent by any taxpayer under the United States Internal Revenue Code.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Department" means the department of revenue administration.

IV. "Education property taxes" means the sum of the statewide education property tax under RSA 76 and the education portion of property taxes assessed by a municipality.

V. "Equalized assessed value" or "equalized assessed valuation" means the modified assessed valuation of property equalized by the commissioner pursuant to RSA 21-J:3, XIII. In this paragraph, "modified assessed valuation" means the sum of the assessments of taxable property in a municipality less the statutory exemptions provided in RSA 72:12-a, 72:12-b, 72:37, 72:39-a, and 72:39-b. "Modified assessed valuation" shall not include optional exemptions provided in RSA 72:37-b, 72:62, 72:66, and 72:70.

VI.(a) "Excessive education property taxes" means the sum of:

(1) The product of the state education rate determined by the commissioner pursuant to RSA 76:3 multiplied by the equalized value of qualifying homesteads not exceeding \$200,000 and exclusive of special assessments not including current use, delinquent interest and charges for service, levied as of April 1 on a claimant's homestead in this state; and

(2) The amount of the education portion of property taxes assessed by the claimant's municipality levied as of April 1 on a claimant's homestead in this state; which is in excess of 10 percent of a claimant's household income for the calendar year preceding the tax year of the excessive education property tax claim.

(b) In this paragraph, "equalized assessed value of qualifying homesteads" means the local assessed value of the homestead equalized by applying the equalization ratio for the municipality, as determined by the commissioner pursuant to RSA 21-J:3, XIII, for the year of the claim.

(c) A qualifying homestead is the first \$200,000 of equalized value of a homestead. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common, and one or more persons or entities are not members of the claimant's household, "excessive education property taxes" applies to that part of statewide education property taxes levied on the homestead which reflects the ownership percentage of the claimant and the claimant's household. If a homestead is an integral part of a larger unit such as a multi-dwelling building, the statewide education property taxes shall be that percentage of the total education property taxes accrued as the total inhabitable area of the claimant's dwelling is of the total inhabitable area of the building. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part.

VII.(a) "Homestead" means the dwelling owned by a claimant which is used as the claimant's principal place of residence for not less than 240 days in a calendar year and includes the following:

(1) The land upon which the dwelling stands;

(2) Visual and ordinary appurtenant structures such as but not limited to garages, wood sheds, barns, and other out buildings;

(3) The land upon which such appurtenant structures stand;

(4) Land contiguous to such dwelling and appurtenant structures that is groomed and maintained around them; and

(5) Land necessary to the support and service of the dwelling such as but not limited to driveways and maintained rights-of-way for purposes of ingress and egress to the dwelling.

(b) A homestead may consist of a part of a multi-unit dwelling and its proportionate share of the land upon which it stands and other ordinary appurtenant common facilities.

(c) In this paragraph the term "owned" includes a vendee in possession under a land contract and one or more joint tenants or tenants in common.

(d) "Homestead" shall not include personal property such as furniture, furnishings or appliances, or structures.

(e) Manufactured housing may be a homestead.

VIII. "Household income" means federal adjusted gross income as defined in the United States Internal Revenue Code.

IX "Municipality" means a city, town, or place.

X. "Statewide education property tax" means a tax levied at an equal and uniform rate on the equalized assessed valuation of property.

XI. "Tax collector" means the appointed or elected collector of taxes for a municipality.

XII. "United States Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended, without the rules, regulations, forms, and procedures of the United States Internal Revenue Service. The rules, regulations, forms and procedures of the United States Internal Revenue Service may, however, be used by the commissioner of revenue administration in formulating rules for adoption under RSA 541-A. This definition shall be operative unless and until a specific statutory exception to its adoption is provided in this chapter, or until the application of one of its provisions is held to violate the New Hampshire constitution.

#### 76-A:2 Claims for Statewide Education Property Tax Relief.

I.(a) A claimant shall be entitled to make claim to the taxing municipality for statewide education property tax relief equal to the excessive education property taxes levied under RSA 76:3 on the first \$200,000 of equalized valuation of the claimants homestead. Such claims shall not exceed \$2,250 per claimant during any calendar year. A claimant shall not be entitled to any statewide education property tax relief if there are no excessive education property taxes or for any excessive education property taxes which accrued prior to January 1 of the preceding calendar year.

(b) No claim with respect to relief by a claimant under this chapter shall be allowed unless the claim is filed with the municipality by March 1 following the date of notice of tax as defined in RSA 72:1-d. The municipality shall include all necessary forms for filing as provided by the department in the first bill.

II. No interest shall be allowed on any relief to which a claimant may be entitled under this chapter.

76-A:3 Rebate to Claimant. Within 30 days of receipt of a claim, the municipality shall reduce the claimant's tax bill by the qualifying excessive education property taxes. Where more than one tax bill is issued by the municipality, the excessive education property taxes shall be divided proportionally between the bills. Timely payment to the municipality of net taxes by the claimant is not required to receive the tax reduction under this chapter.

76-A:4 Reports of Claims. Municipalities shall report to the department by April 1 of each year on the total amount of rebates made under RSA 76-A:3. By April 15 of each year, the department shall report to the state treasurer the total amount of rebates made by each municipality under RSA 76-A:3.

76-A:5 Reimbursement to Municipalities for Claims. Within 30 days of receipt of the report by the department required under RSA 76-A:4, the state treasurer shall reimburse municipalities for the total of qualified claims received under RSA 76-A:3. Such payments shall be charged against the education trust fund established in RSA 198:39.

76-A:6 One Claimant Per Household. Only one claimant per household per year shall be entitled to relief under this chapter.

76-A:7 Claim is Personal. The right to file a claim under this chapter shall be personal to the claimant. The right to file a claim under this chapter shall survive the claimant's death to the extent that this right may be exercised on behalf of a claimant by a legal guardian, attorney, spouse, or another person who could have qualified as the claimant had the decedent not filed.

#### 76-A:8 Administration; Rulemaking.

I. This chapter shall be administered and enforced by the department.

II. The department shall adopt rules, pursuant to RSA 541-A, necessary to administer and enforce this chapter.

#### 76-A:9 Forms for Claim.

I. The commissioner of revenue administration shall make available to municipalities suitable forms with instructions for claimants. Such forms may require claimants to provide all information reasonably necessary to determining the accuracy of claims, including, but not limited to, property taxes accrued, changes of homestead, household membership, household income, size and nature of property claimed as the homestead, and a statement that the property taxes have been or will be paid by the claimant.

II. Municipalities shall make such forms available to claimants.

#### 76-A:10 Verification of Claim; Redetermination.

I. If a municipality has reason to suspect the accuracy of a claim, the municipality may request that the department verify the household income of the claimant.

II. Upon receipt of such income verification from the department, the municipality may redetermine the claim and assess and collect, in the same manner as provided for property taxes under RSA 80, any amount of such claim in excess of the predetermined amount.

76-A:11 Fraudulent Claims; Penalty. A person shall be guilty of a class A misdemeanor who:

I. Files a fraudulent claim.

II. With fraudulent intent, assisted in the preparation or filing of the fraudulent claim or supplied information upon which the fraudulent claim was prepared.

76-A:12 Appeals. Any person aggrieved by the denial in whole or in part of a claim under this chapter, except when the denial is based upon late filing of claim, may appeal the denial to the board of tax and land appeals or to the superior court in the county in which the person resides by filing a petition within 30 days after such denial. Procedures for an appeal of a denial of a claim shall be the same as the procedures for an appeal of a denial of an abatement of property tax under RSA 76:16-a-76:17.

76-A:13 Claim Applied Against Outstanding Liabilities. The amount of any claim otherwise payable under this chapter may be applied by the municipality against any liability outstanding against the claimant or against anyone who was a member of the household in the taxable year to which the claim relates.

4 Rate of Utility Property Tax Increased. Amend RSA 83-F:2 to read as follows:

83-F:2 Tax Imposed. For taxable periods beginning April 1, 1999, a tax is imposed upon the value of utility property at the rate ~~of \$6.60~~ *established by the commissioner under RSA 76-A:3* on each \$1000 of such value, to be assessed annually as of April 1, and every year thereafter, and paid in accordance with this chapter.

5 Education Trust Fund; Purpose; Property Tax Relief Added. Amend RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42, *and to provide education property tax relief under RSA 76-A*. The state treasurer shall deposit into this fund immediately upon receipt:

6 Tax Equity and Efficiency Committee. Amend 1999, 17:55, I to read as follows:

I. There is established a tax equity and efficiency commission to study issues relating to tax fairness, proportionality, efficiency and complexity for funding public education, ~~and~~ to examine all taxes currently imposed on the citizens of New Hampshire to fund public education, *and to review the provisions for property tax relief to determine whether the program should continue and to recommend parameters for its continuation if so determined*.

7 Semi-annual Rate for Property Tax Payments. 1999, 17:51, I is repealed and reenacted to read as follows:

I. Notwithstanding the provisions of RSA 76:15-a and RSA 76:15-b for the tax year beginning April 1, 1999, in municipalities liable for an excess statewide education property tax payment pursuant to RSA 198:46, the partial payment of taxes assessed shall be computed by taking the prior year's assessed valuation times  $\frac{1}{2}$  of the previous year's municipal tax rate;  $\frac{1}{2}$  of the previous year's county tax rate;  $\frac{1}{2}$  of the previous year's local school tax rate; and adding thereto  $\frac{1}{2}$  of the statewide education property tax rate which would collect the amount to be collected and remitted for tax year 1999 under RSA 198:46, as determined by the department of revenue administration; provided, however, that whenever it shall appear to the selectmen or assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal in place of the prior year's valuation to compute the partial payment.

8 General Fund; Deposit of Undesignated Surplus into the Education Trust Fund for the Biennium Ending June 30, 1999. Notwithstanding the provisions of RSA 9:13-e, the state treasurer shall deposit any general fund undesignated surplus as of June 30, 1999 into the education trust fund as established in RSA 198:39.

9 Estimate of General Fund Undesignated Surplus for Biennium Ending June 30, 2001; Lapses Adjusted. Amend 1999, 159:13 to read as follows

13 Estimate of General Fund Undesignated Surplus.

**GENERAL FUND**

(Dollars in Thousands)

	<u>FY 2000</u>	<u>FY 2001</u>
Balance, July 1	\$0	[\$(-3,509)] <b>\$1,491</b>
Additions:		
Unrestricted Revenue		
Unrestricted Revenue-Net of Medicaid	961,148	1,003,757
Medicaid Enhancement Revenues	63,700	65,300
Uncompensated Care	<u>10,000</u>	<u>10,000</u>
Total Unrestricted Revenue	1,034,848	1,079,057
Appropriations:		
Gross Appropriations (Section 1)	1,064,842	1,093,465
Legislative Specials	530	455
Footnote Reductions/Adjustments	5,548	13,024
Reduction in Judicial Appropriation	<u>(4,563)</u>	<u>(4,480)</u>
Total Appropriations	1,066,357	1,102,464
Less Lapses	[(-26,000)] <b>(31,000)</b>	[(-26,000)] <b>(31,000)</b>
Lapse Percent	<u>[2.44%] 2.90%</u>	<u>[2.36%] 2.81%</u>
Net Appropriations	<u>[1,040,357] 1,035,357</u>	<u>[1,076,464] 1,071,464</u>
GAAP Adjustment	2,000	2,000
Current Year Balance	[(-3,509)] <b>1,491</b>	[4,593] <b>9,593</b>
Balance, June 30	[(-3,509)] <b>1,491</b>	[1,084] <b>11,084</b>

10 Severability. If any provision of this act or the application thereof to any person or circumstance is deemed invalid, the invalidity does not affect the other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

11 Repeal. RSA 198:46, IV and V, relative to the phase-in of excess education property tax payments, are repealed.

12 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill changes the method of calculating the statewide education property tax and the utility property tax and establishes a program for the rebate of excessive property tax payments made by eligible taxpayers in the state. The bill also provides for the use of certain surplus state funds for education.

Reps. Sapareto and Wallin spoke in favor and yielded to questions.

Rep. Sapareto requested a roll call; sufficiently seconded.

The question being the adoption of the Sapareto floor amendment 2220h.

**YEAS 75 NAYS 275****YEAS 75****BELKNAP**

Boriso, Thomas

Lawton, David

**CARROLL**

None

**CHESHIRE**

Batchelder, Robert

Blaisdell, Michael

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Mitchell, McKim

Pratt, John

Richardson, Barbara

Zerba, Roger

**COOS**

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Densmore, Jessica

**HILLSBOROUGH**

Arnold, Thomas Jr  
Gagnon, Paul  
Lynde, Harold  
McColgan, Philip Jr  
Ouellette, Dean

Carlson, Donald  
Hall, Betty  
Martin, Mary  
McDonough-Wallace, Alice  
Vaillancourt, Steve

Christiansen, Lars  
Herman, Richard  
McCarthy, William  
McRae, Karen  
Wall, Nancy

Curran, James  
LaPorte, George  
McCarty, Winston  
Mendenhall, Leslie  
White, Donald

**MERRIMACK**

Chase, George  
Lockwood, Priscilla  
Virtue, Carolyn

Fraser, Marilyn  
Owen, Derek  
Wallin, Jean

Langer, Ray  
Poulin, Dave  
Yeaton, Charles

Lavoie, Gerard  
Seldin, Gloria

**ROCKINGHAM**

Abbott, Dennis  
Kelley, Jane  
Rabideau, Marie  
Vaughn, Charles

Dearborn, Bruce  
Langone, John  
Sabella, Norma

DiFruscia, Anthony  
Lovejoy, Marian  
Sapareto, Frank

Hutchinson, Karen  
Pitts, Jacqueline  
Shelton, Richard

**STRAFFORD**

Bickford, David  
Heon, Richard  
Pelletier, Arthur

Dunlap, Patricia  
Johnson, Nancy  
Rollo, Michael

Gilmore, Gary  
Kaen, Naida  
Spang, Judith

Grassie, Anne  
Keans, Sandra  
Vachon, Dennis

**SULLIVAN**

Cloutier, John

Donovan, Thomas Jr

Phinizy, James

Tuthill, John

**NAYS 275****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Rice, Thomas  
Turner, Robert

Boyce, Robert  
Lawton, Robert  
Rosen, Ralph  
Wendelboe, Francine

Czech, Stanley  
Millham, Alida  
Salatiello, Thomas  
Wood, Jane

Holbrook, Robert  
Pilliod, James  
Thomas, John

**CARROLL**

Babson, David Jr  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Meader, David  
Royce, H Charles

Burnham, Daniel  
Riley, William  
Russell, Ronald

Hunt, John  
Roberts, William  
Smith, Edwin

Lerandeau, Alfred  
Rose, William

**COOS**

Davis, Perley  
Merrill, Gerald

Glines, Sara  
Pratt, Leighton

Horton, Lynn

Mears, Edgar

**GRAFTON**

Akins, Ralph  
Cobb, John  
Gilman, G Michael  
Johnson, Gary  
Nordgren, Sharon  
Ward, Brien

Alger, John  
Copenhaver, Marion  
Hall, David  
LaMott, Paul  
Picconi, Al  
Weber, Phil

Almy, Susan  
Dudley, Terri  
Ham, Bonnie  
Marshall, Gene  
Scanlan, David

Brothers, Richard  
Eaton, Stephanie  
Hinman, Harry  
Mirski, Paul  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Burkush, James	Calawa, Leon Jr	Chabot, Robert
Clegg, Robert Jr	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Durham, Susan	Dwyer, Paul Sr	Emerton, Lawrence	Fenton, James
Fields, Dennis	Flora, Kathleen	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Jean, Loren	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, DonnaLee
MacGillivray, Jeffrey	Martel, Andre	McDonald, James Sr	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reidy, Frank	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Tate, Joan
Thulander, O Alan	Turgeon, Roland	White, John	Withee, Dennis

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	French, Barbara
Gile, Mary	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Kennedy, Richard	Larrabee, David Sr	Leber, William
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Nichols, Avis	Potter, Frances	Reardon, Tara	Rodd, Beth
St Cyr, Gerard	Whalley, Michael	Whittemore, James	

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Case, Margaret	Clark, Martha	Clark, Vivian
Cooney, Richard	Corbin, C David	Cote, Patricia	Cox, Russell
Dalrymple, Daireen	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Raynowska, Bernard	Reardon, Neil	Rubin, George
Ruffner, Walter	Schanda, Frank	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Weatherspoon, Jackie	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Rogers, Rose Marie	Spear, Barbara	Taylor, Kathleen
Twardus, Joseph	Vincent, Francis	Wall, Janet	Woods, Phyllis



**SULLIVAN**

Allison, David  
Kibbey, David  
Wiggins, Celestine

Burling, Peter  
Leone, Richard  
Young, David

Flint, Gordon Sr  
McIntyre, Sara

Jones, Constance  
Robb-Theroux, Amy

and the floor amendment (2220h) failed.

Rep. Mirski offered a floor amendment.

**Floor Amendment (2234h)**

Amend the bill by replacing all after section 23 with the following:

24 Effective Date.

I. Section 21 of this act shall take effect January 2, 2003.

II. Section 22 of this act shall take effect July 1, 2003.

III. The remainder of this act shall take effect upon its passage.

Rep. Mirski spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the Mirski floor amendment (2234h).

**YEAS 81 NAYS 265****YEAS 81****BELKNAP**

Boriso, Thomas  
Lawton, David

Boyce, Robert  
Rice, Thomas

Czech, Stanley  
Rosen, Ralph

Johnson, James

**CARROLL**

Babson, David Jr  
Mock, Henry

Chandler, Gene  
Philbrick, Donald

Dickinson, Howard  
Sullivan, P Judith

Howard, Godfrey

**CHESHIRE**

Blaisdell, Michael  
Rose, William

McGuirk, Paul  
Zerba, Roger

Mitchell, McKim

Pratt, John

**COOS**

Rodrigue, Robert

**GRAFTON**

Alger, John  
Hall, David  
Mirski, Paul

Brothers, Richard  
Ham, Bonnie  
Scanlan, David

Cobb, John  
Hinman, Harry  
Ward, Brian

Gilman, G Michael  
Johnson, Gary  
Weber, Phil

**HILLSBOROUGH**

Arnold, Thomas Jr  
Gagnon, Paul  
McRae, Karen  
Withee, Dennis

Beaupre, Roland  
Herman, Richard  
Ouellette, Dean

Christiansen, Lars  
Jean, Loren  
Simon, Anthony

Franks, Suzan  
Martin, Mary  
Wall, Nancy

**MERRIMACK**

Hager, Elizabeth  
St Cyr, Gerard

Lavoie, Gerard

Marple, Richard

Seldin, Gloria

**ROCKINGHAM**

Abbott, Dennis  
Dearborn, Bruce  
Langley, Jane  
Pantelakos, Laura  
Raynowska, Bernard

Beaulieu, Jon  
Dunham, Vivian  
Moore, Benjamin  
Pitts, Jacqueline  
Rubin, George

Corbin, C David  
Fesh, Robert  
Norelli, Terie  
Putnam, Ed II  
Weyler, Kenneth

Cox, Russell  
Flanagan, Natalie  
O'Keefe, Patricia  
Quandt, Marshall  
Whittier, John

**STRAFFORD**

Cossette, Larry  
Woods, Phyllis

Keans, Sandra

McKinley, Robert

Pelletier, Arthur

**SULLIVAN**

Jones, Constance  
Tuthill, John

Kibbey, David

Leone, Richard

Phinizy, James

**NAYS 265****BELKNAP**

Bartlett, Gordon  
Pilliod, James  
Wendelboe, Francine

Holbrook, Robert  
Salatiello, Thomas  
Wood, Jane

Lawton, Robert  
Thomas, John

Millham, Alida  
Turner, Robert

**CARROLL**

Kenney, Joseph

Lyman, L Randy

Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Lerandeau, Alfred  
Meador, David  
Royce, H Charles

Batchelder, Robert  
Lynch, Margaret  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Lynott, Margaret  
Riley, William  
Smith, Edwin

Hunt, John  
Manning, Joseph  
Roberts, William

**COOS**

Davis, Perley  
Mears, Edgar

Glines, Sara  
Merrill, Gerald

Horton, Lynn  
Pratt, Leighton

Landers, Dana

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Nordgren, Sharon

Almy, Susan  
Eaton, Stephanie  
Picconi, Al

Copenhaver, Marion  
LaMott, Paul  
Solow, Martha

Densmore, Jessica  
Marshall, Gene

**HILLSBOROUGH**

Ahern, Richard  
Baroody, Benjamin  
Bergin, Peter  
Burkush, James  
Clegg, Robert Jr  
Craig, James  
Daniels, Gary  
Drabinowicz, A Theresa  
Fenton, James  
Gagnon, Eugene  
Gorman, Mary  
Hansen, Herbert  
Jean, Claudette  
Kurk, Neal  
Lasky, Bette  
Lozeau, Donnalee  
McCarty, Winston  
McGough, Tim  
Messier, Irene  
Mosher, William  
O'Hearn, Jane  
Reidy, Frank  
Tate, Joan  
White, Donald

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Calawa, Leon Jr  
Cote, David  
Curran, James  
Desmarais, Vivian  
Durham, Susan  
Fields, Dennis  
Garrish, Linda  
Goulet, Maurice  
Herman, Keith  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
Lynde, Harold  
McColgan, Philip Jr  
Melcher, Harold  
Milligan, Robert  
Murphy, Robert  
Pappas, Marc  
Rowe, Robert  
Thulander, O Alan  
White, John

Andrews, Frederick  
Belvin, William  
Bruno, Pierre  
Carlson, Donald  
Cote, Peter  
Daigle, Robert  
Desrosiers, William  
Dwyer, Paul Sr  
Flora, Kathleen  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Keye, Harvey  
LaPorte, George  
Leonard, Peter  
MacGillivray, Jeffrey  
McDonald, James Sr  
Mendenhall, Leslie  
Moran, Edward  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sarette, John  
Turgeon, Roland

Arthur, Rose  
Bergeron, Lucien  
Buckley, Raymond  
Chabot, Robert  
Coughlin, Pamela  
Dalianis, Griffin  
Dokmo, Cynthia  
Emerton, Lawrence  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Hunter, Bruce  
Konys, Christine  
LaRose, Richard  
Lessard, Rudy  
McCarthy, William  
McDonough-Wallace, Alice  
Mercer, Robert  
Moriarty, Mary  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Larrabee, David Sr	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Wallin, Jean	Whalley, Michael	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Belanger, Ronald	Bishop, Franklin	Bridle, Russell	Case, Margaret
Clark, Martha	Clark, Vivian	Cooney, Richard	Cote, Patricia
Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Mikowski, Walter	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Rabideau, Marie	Reardon, Neil	Ruffner, Walter	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Vaughn, Charles	Weare, Everett	Weatherspoon, Jackie
Welch, David	Zolla, William		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Gilmore, Gary	Grassie, Anne	Heon, Richard	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	Lundborn, Raymond
Musler, George	Rogers, Rose Marie	Rollo, Michael	Spang, Judith
Spear, Barbara	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	McIntyre, Sara	Robb-Theroux, Amy	Wiggins, Celestine
Young, David			

and the floor amendment failed.

Rep. Mirski re-offered floor amendment 2231h.

**Floor Amendment (2231h)**

Amend the title of the bill by replacing it with the following:

AN ACT rejecting certain ruling of the supreme court in Claremont I and Claremont II.

Amend the bill by replacing all after the enacting clause with the following:

1 Preamble. The legislature finds that:

I. In order to preserve the taxing authority reserved to the people of New Hampshire by the state constitution and in order to preserve the power granted the legislature to represent the interests of the people, the legislature rejects those aspects of the Claremont I and Claremont II rulings which require the state to "guarantee" funding of a constitutionally adequate education. Article 28 of part I of the New Hampshire constitution requires that:

"No subsidy, charge, tax, impost or duty, shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body."

II. To accede to the court's Claremont I ruling - reaffirmed in Claremont II - that the state "guarantee" funding of a constitutionally adequate education would be to concede that education spending should always preempt spending for public safety, public health, disaster relief, public welfare, job creation, infrastructure improvements, criminal justice, the judiciary and the courts, pollution control, recreation, natural resources and the environment, public parks, and the administration of government itself.

III. To concur with the court that education funding be "guaranteed" would be to remove 1/3 or more of all current public spending from meaningful public debate.

IV. To concur with the court would be to deny the people's constitutional right, under part I, article 28, to vote on which of those services of government are most important to them and to determine to what extent elected services are worthy of financial sacrifice.

V. To concur with the court that the people and their elected representatives must approve education funding as mandated by the court would cause the legislature to deny the people and their representatives the right to vote and would cause the legislature to become complicit in the extinction of representative government in New Hampshire.

VI. As constitutional officers, members of the legislature are compelled to support the constitution of New Hampshire. Legislators are compelled by the constitution to maintain constitutional separation of powers and to insure that the cost of government not be imposed on the people without their consent. The legislature finds that the court's holding that the state "guarantee" education funding irresolvably conflicts with part I, article 28.

VII. If allowed to stand, the supreme court's rulings will materially affect the separation and balance of power among the 3 branches of government in ways which transcend taxes and spending.

VIII. The court's rulings shift the power of government from the people to unelected bureaucracies appointed by the governor. The legislature believes that as the debate over what constitutes educational adequacy plays out, judges, rather than the people, will define and redefine what constitutes educational adequacy. The legislature further finds that by removing from the people the right to freely determine education funding the court grants itself and state bureaucracies unwarranted and unconstitutional influence over the disposition of what presently amounts to more than a billion dollars of spending statewide.

IX. The court's transference of powers belonging to the people, to the judiciary, and to the state's bureaucracies, is unconstitutional because the constitution prohibits the judicial and executive branches of government from exercising legislative authority.

X. The court's requirement that "adequate education's" appetite for appropriations be satisfied before the needs of any other state or municipal service will cause the funding demands of "adequate education" to dominate virtually all future public and legislative debate to the detriment of all other matters of public policy.

XI. Since funding of education will be required regardless of the state of the economy, during recessions educators and those employed within the state's education bureaucracy will be guaranteed their livelihoods while taxpayers suffer lost jobs. The legislature further finds that in order to guarantee education funding during recessions or whenever state revenues fail to meet expectations, state taxes and fees will either have to be increased or state services cut. Should taxes fail to be raised during future recessions, the legislature finds that state employees in all areas of government other than education may have to be laid off or dismissed in order to accommodate funding shortfalls.

XII. By elevating educators to privileged economic status, the supreme court aborts the fundamental intent of government articulated in part I, article 10 of the New Hampshire constitution which states that "Government ..." is "... instituted for the common benefit, protection, and security, of the whole community and not for the private interest or emolument of any one man, family or class of men ...".

XIII. If permitted to stand, the "state must guarantee funding" component of the Claremont I and II decision's will convert the New Hampshire house of representatives, the most representative legislature in the world, to an institution utterly subservient to forces beyond its control.

XIV. Education funding disparities between New Hampshire towns and cities must be resolved. Nevertheless, the legislature finds that it is constitutionally prohibited from considering any resolution of educational funding disparities which would diminish, in any way, the fundamental right of the people to determine how or for what purpose they should be taxed.

2 Statement of Intention to Reject Those Portions of the Supreme Court's Claremont I and Claremont II Rulings Which Require the State to "Guarantee" Funding of a Constitutionally Adequate Education.

I. The legislature finds that:

(a) In Claremont School District v. Governor, 138 N.H. 186, 635 A.2d 1375 (1993) (Claremont I) the supreme court reversed the trial court's dismissal of the petition for declaratory and injunctive relief which challenged the method by which education is funded in New Hampshire, holding that "...it was the state's duty to provide a constitutionally adequate public education and to guarantee adequate funding...". The supreme court reasserted this view in Claremont II, basing its interpretation on the language of part II, article 83, of the New Hampshire constitution which states that it is the "...duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country..." The "...duty...to cherish..." the court said "...commands that the state support public schools."

(b) The supreme court further opined in Claremont II that since RSA 198:1-7 obligates the imposition of a school property tax in order to raise funds for education and since the court's interpretation of part II, article 83 requires the state to provide and fund education, the school property tax is, by its very nature, a state tax. The court concluded that since the statewide imposition of the school property tax results in tax disparities between communities, those disparities cause the school property tax to fail the constitutional requirement imposed by part II, article 5 that state taxes be proportionately levied.

(c) The people of New Hampshire granted the New Hampshire house of representatives and senate the exclusive constitutional authority to legislate on their behalf. That authority was given the legislature, with the understanding, that the power granted the general court and the authority granted the executive and judicial branches derives exclusively from the people and is limited in scope and application by the 39 articles which comprise part I of the New Hampshire constitution, its bill of rights. The constitution's bill of rights tempers all authority granted government in part II which defines New Hampshire's form of government.

(d)(1) The New Hampshire supreme court ruling of December 17, 1997 declaring present school-funding methodology unconstitutional is itself a clear violation of the constitution. It fails to heed the explicit words of part I, article 28 of the New Hampshire constitution which requires that: "No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body."

(2) The court does not have the power to mandate the tax which its ruling requires, given that part I, article 28 expressly prohibits the creation of any pretext by which the power to tax or impose charges of any kind upon the people might be wrested from "...the people, or their representatives in the legislature".

(3) As representatives of the people, legislators are individually and collectively required to assert the rights of the people when their rights are infringed. Given the supreme court's usurpation of the people's power to tax, it is now the responsibility of the legislature to right this grievous wrong.

(e) The supreme court's reasoning concerning the Claremont I and Claremont II decisions fails to recognize and abide by the limitations imposed by part I of the constitution upon the power and authority granted government in part II of the constitution, particularly with regard to taxes and how they shall be levied. Neither the judicial branch nor the executive branch can usurp the right of the people, "...or their representatives in the legislature..." with regard to either the election of funding priorities or the allocation of financial responsibility. The selection of governmental priorities worthy of financial sacrifice is solely the province of the people and their elected representatives to the general court.

(f) The fault with the New Hampshire supreme court's decision is that its interpretation of part II, article 83 imposes an obligation upon the people of New Hampshire to expend funds and to tax themselves in ways not freely determined by them. The New Hampshire supreme court does not possess the power to impose funding obligations upon the people of New Hampshire. The funding obligations which are inextricably a part of the Claremont I and Claremont II rulings cre-

ate a pretext for levying either a tax, charge, subsidy, impost, or duty upon the people in order to meet the obligations which the court has contrived. Since the constitution expressly prohibits the creation of any pretext which could require the people of New Hampshire to tax themselves, it follows that the supreme court's interpretation of part II, article 83 which creates such a pretext is fundamentally unconstitutional.

II. Therefore, since the holding of the supreme court in Claremont I to the effect that the state must guarantee funding, is unconstitutional on its face, the rationale and conclusions which follow and which are based upon that wrongful holding fail as well. For this reason, the legislature rejects the rulings of the New Hampshire supreme court in both the Claremont I and Claremont II cases to the extent that they require the state to "guarantee" funding of any sort and asserts that the legislature is constitutionally prohibited from complying with such rulings. The legislature cannot permit the judicial branch to usurp the fundamental right of the people to act freely with regard to choosing which of the financial burdens of government they wish to assume. For the legislature to act otherwise would be to reincarnate, validate, and reimpose the practice of taxation without representation, a practice which the adoption in the year 1784 of part I, article 28, of the bill of rights of the New Hampshire constitution was meant to cure.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill states that the legislature rejects the supreme court's Claremont I and Claremont II rulings to the extent to which the rulings require the state to "guarantee" funding of an adequate legislation, on the grounds that imposition upon the legislature of such a requirement is unconstitutional under part I, article 28 of the New Hampshire constitution.

Reps. Mirski, Nancy Wall and Loren Jean spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the Mirski floor amendment (2231h).

**YEAS 66 NAYS 278**

### YEAS 66

#### BELKNAP

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Johnson, James
Lawton, David	Lawton, Robert	Rice, Thomas	Rosen, Ralph
Wendelboe, Francine			

#### CARROLL

Babson, David Jr	Dickinson, Howard	Howard, Godfrey	Mock, Henry
Sullivan, P Judith			

#### CHESHIRE

Roberts, William

#### COOS

None

#### GRAFTON

Alger, John	Brothers, Richard	Gilman, G Michael	Hall, David
Ham, Bonnie	Hinman, Harry	Mirski, Paul	Ward, Brien
Weber, Phil			

#### HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Beaupre, Roland	Christiansen, Lars
Clegg, Robert Jr	Herman, Keith	Jean, Loren	Martin, Mary
McGough, Tim	McRae, Karen	Ouellette, Dean	Pappas, Marc
Wall, Nancy	White, Donald	Wither, Dennis	

**MERRIMACK**

Langer, Ray	Larrabee, David Sr	Leber, William	Marple, Richard
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**ROCKINGHAM**

Beaulieu, Jon	Corbin, C David	Dearborn, Bruce	Dunham, Vivian
Hamel, Albert	Langley, Jane	Mikowski, Walter	Noyes, Richard
Packard, Sherman	Putnam, Ed II	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Rubin, George	Ruffner, Walter
Vaughn, Charles	Weare, Everett	Welch, David	Weyler, Kenneth

**STRAFFORD**

Bickford, David	McKinley, Robert	Woods, Phyllis
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**SULLIVAN**

None

**NAYS 278****BELKNAP**

Bartlett, Gordon	Holbrook, Robert	Millham, Alida	Pilliod, James
Salatiello, Thomas	Thomas, John	Turner, Robert	Wood, Jane

**CARROLL**

CharJler, Gene	Kenney, Joseph	Lyman, L Randy	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Riley, William	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger

**COOS**

Davis, Perley	Glines, Sara	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert	

**GRAFTON**

Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Johnson, Gary
LaMott, Paul	Marshall, Gene	Nordgren, Sharon	Picconi, Al
Scanlan, David	Solow, Martha		

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Batula, Peter	Belvin, William	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon Jr	Chabot, Robert	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A Theresa	Durham, Susan	Dwyer, Paul Sr	Emerton, Lawrence
Fenton, James	Fields, Dennis	Flora, Kathleen	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Herman, Richard
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	L'Heureux, Robert

LaPorte, George  
Leonard, Peter  
MacGillivray, Jeffrey  
McDonald, James Sr  
Mercer, Robert  
Moriarty, Mary  
O'Connell, Timothy  
Reidy, Frank  
Simon, Anthony  
Vaillancourt, Steve

LaRose, Richard  
Lessard, Rudy  
McCarthy, William  
McDonough-Wallace, Alice  
Messier, Irene  
Mosher, William  
O'Hearn, Jane  
Rowe, Robert  
Tate, Joan  
White, John

Lasky, Bette  
Lozeau, Donnalee  
McCarty, Winston  
Melcher, Harold  
Milligan, Robert  
Murphy, Robert  
Pepino, Leo  
Sarette, John  
Thulander, O Alan

Leishman, Peter  
Lynde, Harold  
McColgan, Philip Jr  
Mendenhall, Leslie  
Moran, Edward  
Nolan-Piteri, Dawn  
Peterson, Andrew  
Sargent, Maxwell  
Turgeon, Roland

### MERRIMACK

Anderson, Eric  
Crosby, Toni  
Fraser, Marilyn  
Hess, David  
Lavoie, Gerard  
Moore, Carol  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Lockwood, Priscilla  
Nichols, Avis  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Jacobson, Alf  
Marshall, Kenneth  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Kennedy, Richard  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Cote, Patricia  
Dowling, Patricia  
Flanders, John Sr  
Grant, Kenneth  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Letourneau, Robert  
Norelli, Terie  
O'Neil, Michael  
Sabella, Norma  
Shultis, Elizabeth  
Tufts, J Arthur  
Zolla, William

Belanger, Ronald  
Clark, Martha  
Cox, Russell  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Johnson, Robert  
Kelley, Jane  
Lovejoy, Marian  
Nowe, Mary Lou  
Pantelakos, Laura  
Sapareto, Frank  
Splaine, James  
Varrell, Thomas

Bishop, Franklin  
Clark, Vivian  
Dalrymple, Janeen  
Fesh, Robert  
Gibbons, Paul  
Henderson, Warren  
Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Pitts, Jacqueline  
Schanda, Frank  
Stone, Joseph  
Weatherspoon, Jackie

Bridle, Russell  
Cooney, Richard  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Hutchinson, Karen  
Katsakiores, George  
Langone, John  
McKinney, Betsy  
O'Keefe, Patricia  
Priestley, Anne  
Shelton, Richard  
Stritch, C Donald  
Whittier, John

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Estabrook, Iris  
Johnson, Nancy  
Lent, Donald  
Rogers, Rose Marie  
Taylor, Kathleen  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Gilmore, Gary  
Kaen, Naida  
Lundborn, Raymond  
Rollo, Michael  
Twardus, Joseph

Brown, George  
Domingo, Baldwin  
Grassie, Anne  
Keans, Sandra  
Musler, George  
Spang, Judith  
Vachon, Dennis

Callaghan, Frank  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Spear, Barbara  
Vincent, Francis

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
McIntyre, Sara  
Wiggins, Celestine

Burling, Peter  
Jones, Constance  
Phinizy, James  
Young, David

Cloutier, John  
Kibbey, David  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Leone, Richard  
Tuthill, John

and the floor amendment failed.

Rep. Wallin offered the Perley Davis/Wallin floor amendment.



**Floor Amendment (2230h)**

Amend the bill by replacing section 25 with the following:

**25 Effective Date.**

I. Section 21 of this act shall take effect April 1, 2002.

II. Section 22 of this act shall take effect December 1, 2002.

III. The remainder of this act shall take effect upon its passage.

Rep. Wallin spoke in favor.

Rep. Hess spoke against.

Rep. Peterson spoke in favor and yielded to questions.

Rep. Burling spoke against and yielded to questions.

Rep. Peterson requested a roll call; sufficiently seconded.

The question being the adoption of the Perley Davis/Wallin floor amendment (2230h).

**YEAS 138 NAYS 206****YEAS 138****BELKNAP**

Boriso, Thomas	Millham, Alida	Rice, Thomas	Wood, Jane
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**CARROLL**

Babson, David Jr	Dickinson, Howard	Howard, Godfrey	Mock, Henry
Philbrick, Donald	Sullivan, P Judith		

**CHESHIRE**

Avery, Stephen	Blaisdell, Michael	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Mitchell, McKim	Pratt, John
Richardson, Barbara			

**COOS**

Davis, Perley	Glines, Sara	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Hall, David
Ham, Bonnie	Johnson, Gary	Nordgren, Sharon	Scanlan, David
Solow, Martha	Ward, Brien		

**HILLSBOROUGH**

Arnold, Thomas Jr	Bergin, Peter	Christiansen, Lars	Desmarais, Vivian
Dokmo, Cynthia	Franks, Suzan	Garrish, Linda	Ginsburg, Ruth
Hall, Betty	Jean, Loren	LaPorte, George	Leishman, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	McCarty, Winston
McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie	Messier, Irene
Milligan, Robert	O'Connell, Timothy	Ouellette, Dean	Pepino, Leo
Peterson, Andrew	Vaillancourt, Steve	White, John	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Case, Margaret	Dearborn, Bruce	DiFruscia, Anthony
Dunham, Vivian	Flanagan, Natalie	Francoeur, Sheila	Grant, Kenneth

Hutchinson, Rebecca  
Kobel, Rudolph  
Norelli, Terie  
Pantelakos, Laura  
Sapareto, Frank

Johnson, Robert  
Langley, Jane  
Noyes, Richard  
Pitts, Jacqueline  
Shultis, Elizabeth

Kane, Cecelia  
Langone, John  
O'Keefe, Patricia  
Raynowska, Bernard  
Splaine, James

Kelley, Jane  
Lovejoy, Marian  
O'Neil, Michael  
Sabella, Norma  
Vaughn, Charles

### STRAFFORD

Bickford, David  
Estabrook, Iris  
Johnson, Nancy  
Rollo, Michael

Callaghan, Frank  
Gilmore, Gary  
Keans, Sandra  
Spang, Judith

DeChane, Marlene  
Grassie, Anne  
Pelletier, Arthur  
Spear, Barbara

Dunlap, Patricia  
Heon, Richard  
Rogers, Rose Marie  
Vachon, Dennis

### SULLIVAN

Allison, David  
Leone, Richard  
Young, David

Cloutier, John  
Phinizy, James

Donovan, Thomas Jr  
Robb-Theroux, Amy

Jones, Constance  
Tuthill, John

### NAYS 206

### BELKNAP

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Salatiello, Thomas

Czech, Stanley  
Lawton, Robert  
Thomas, John

Holbrook, Robert  
Pilliod, James  
Turner, Robert

### CARROLL

Kenney, Joseph

Lyman, L Randy

Patten, Betsey

### CHESHIRE

Batchelder, Robert  
Meader, David  
Royce, H Charles

Burnham, Daniel  
Riley, William  
Smith, Edwin

Hunt, John  
Roberts, William  
Zerba, Roger

Lerandeau, Alfred  
Rose, William

### COOS

Horton, Lynn

Mears, Edgar

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Dudley, Terri  
LaMott, Paul  
Weber, Phil

Alger, John  
Eaton, Stephanie  
Marshall, Gene

Brothers, Richard  
Gilman, G Michael  
Mirski, Paul

Cobb, John  
Hinman, Harry  
Picconi, Al

### HILLSBOROUGH

Ahern, Richard  
Baroody, Benjamin  
Bergeron, Lucien  
Burkush, James  
Clegg, Robert Jr  
Craig, James  
Daniels, Gary  
Emerton, Lawrence  
Foster, Linda  
Gorman, Mary  
Herman, Keith  
Johnson, Lionel  
L'Heureux, Robert  
Lessard, Rudy

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Calawa, Leon Jr  
Cote, David  
Curran, James  
Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Goulet, Maurice  
Holley, Sylvia  
Keye, Harvey  
LaRose, Richard  
Lozeau, Donnalee

Andrews, Frederick  
Beaupre, Roland  
Bruno, Pierre  
Carlson, Donald  
Cote, Peter  
Daigle, Robert  
Drabinowicz, A Theresa  
Fields, Dennis  
Gagnon, Paul  
Haettenschwiller, Alphonse  
Hunter, Bruce  
Konys, Christine  
Lasky, Bette  
MacGillivray, Jeffrey

Arthur, Rose  
Belvin, William  
Buckley, Raymond  
Chabot, Robert  
Coughlin, Pamela  
Dalianis, Griffin  
Durham, Susan  
Flora, Kathleen  
Goley, Jeffrey  
Hansen, Herbert  
Jean, Claudette  
Kurk, Neal  
Leonard, Peter  
McColgan, Philip Jr

McDonald, James Sr  
Moran, Edward  
Nolan-Piteri, Dawn  
Rowe, Robert  
Tate, Joan  
White, Donald

McGough, Tim  
Moriarty, Mary  
O'Hearn, Jane  
Sarette, John  
Thulander, O Alan  
Withee, Dennis

Melcher, Harold  
Mosher, William  
Pappas, Marc  
Sargent, Maxwell  
Turgeon, Roland

Mercer, Robert  
Murphy, Robert  
Reidy, Frank  
Simon, Anthony  
Wall, Nancy

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Leber, William

Feuerstein, Martin  
Langer, Ray  
Marple, Richard

Hess, David  
Larrabee, David Sr  
Nichols, Avis

Hoadley, Elizabeth  
Lavoie, Gerard  
Whalley, Michael

### ROCKINGHAM

Beaulieu, Jon  
Bridle, Russell  
Corbin, C David  
Dowling, Patricia  
Gibbons, Paul  
Henderson, Warren  
Letourneau, Robert  
Moore, Benjamin  
Priestley, Anne  
Reardon, Neil  
Shelton, Richard  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Clark, Martha  
Cote, Patricia  
Downing, Michael  
Gleason, John  
Hutchinson, Karen  
Major, Norman  
Nowe, Mary Lou  
Putnam, Ed II  
Rubin, George  
Stone, Joseph  
Weare, Everett  
Whittier, John

Bishop, Franklin  
Clark, Vivian  
Cox, Russell  
Fesh, Robert  
Griffin, Mary  
Katsakiores, George  
McKinney, Betsy  
Nowe, Ronald  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Weatherspoon, Jackie  
Zolla, William

Blanchard, MaryAnn  
Cooney, Richard  
Dalrymple, Janeen  
Flanders, John Sr  
Hamel, Albert  
Katsakiores, Phyllis  
Mikowski, Walter  
Packard, Sherman  
Rabideau, Marie  
Schanda, Frank  
Tufts, J Arthur  
Welch, David

### STRAFFORD

Berube, Roger  
Domingo, Baldwin  
Lundborn, Raymond  
Twardus, Joseph

Brennan, William  
Kaen, Naida  
McKinley, Robert  
Vincent, Francis

Brown, George  
Knowles, William  
Musler, George  
Wall, Janet

Cossette, Larry  
Lent, Donald  
Taylor, Kathleen  
Woods, Phyllis

### SULLIVAN

Burling, Peter  
Wiggins, Celestine

Flint, Gordon Sr

Kibbey, David

McIntyre, Sara

and the floor amendment failed.

### MOTION TO SUSPEND RULES

Rep. Vaillancourt moved that the Rules (Rule 20(c) be so far suspended as to permit consideration of a floor amendment containing subject matter that had been indefinitely postponed by the House on May 13, 1999.

Rep. Vaillancourt spoke in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the motion to suspend the rules.

**YEAS 114 NAYS 228**

**YEAS 114**

**BELKNAP**

Boriso, Thomas

Czech, Stanley

Lawton, David

**CARROLL**

Dickinson, Howard

Mock, Henry

**CHESHIRE**

Batchelder, Robert  
McGuirk, Paul  
Zerba, Roger

Blaisdell, Michael  
Pratt, John

Lynch, Margaret  
Roberts, William

Lynott, Margaret  
Smith, Edwin

**COOS**

Glines, Sara

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Akins, Ralph  
Johnson, Gary

Densmore, Jessica  
Mirski, Paul

Hall, David  
Picconi, Al

Ham, Bonnie  
Ward, Brien

**HILLSBOROUGH**

Arthur, Rose  
Burkush, James  
Desmarais, Vivian  
Ginsburg, Ruth  
Jean, Claudette  
L'Heureux, Robert  
Martin, Mary  
McRae, Karen  
Moriarty, Mary  
Turgeon, Roland

Baroody, Benjamin  
Cote, David  
Foster, Linda  
Goley, Jeffrey  
Jean, Loren  
LaPorte, George  
McCarthy, William  
Mendenhall, Leslie  
Murphy, Robert  
Vaillancourt, Steve

Bergeron, Lucien  
Craig, James  
Franks, Suzan  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
McCarty, Winston  
Messier, Irene  
Reidy, Frank  
Wall, Nancy

Buckley, Raymond  
Daigle, Robert  
Gagnon, Paul  
Hall, Betty  
Keye, Harvey  
Leonard, Peter  
McDonald, James Sr  
Milligan, Robert  
Simon, Anthony  
White, John

**MERRIMACK**

Fraser, Marilyn  
Reardon, Tara  
Whittemore, James

Kennedy, Richard  
Rodd, Beth

Marple, Richard  
St Cyr, Gerard

Poulin, Dave  
Virtue, Carolyn

**ROCKINGHAM**

Belanger, Ronald  
Johnson, Robert  
Kobel, Rudolph  
O'Keefe, Patricia  
Raynowska, Bernard  
Weare, Everett

Blanchard, MaryAnn  
Kane, Cecelia  
Langley, Jane  
Pitts, Jacqueline  
Rubin, George  
Weyler, Kenneth

DiFruscia, Anthony  
Katsakiores, Phyllis  
Langone, John  
Priestley, Anne  
Sapareto, Frank

Hutchinson, Karen  
Kelley, Jane  
Mikowski, Walter  
Rabideau, Marie  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Grassie, Anne  
Rollo, Michael  
Vincent, Francis

Brown, George  
Heon, Richard  
Spang, Judith

DeChane, Marlene  
Johnson, Nancy  
Taylor, Kathleen

Domingo, Baldwin  
Rogers, Rose Marie  
Vachon, Dennis

**SULLIVAN**

Kibbey, David  
Wiggins, Celestine

Phinizy, James

Robb-Theroux, Amy

Tuthill, John

**NAYS 228****BELKNAP**

Bartlett, Gordon  
Lawton, Robert  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Millham, Alida  
Salatiello, Thomas  
Wood, Jane

Holbrook, Robert  
Pilliod, James  
Thomas, John

Johnson, James  
Rice, Thomas  
Turner, Robert

**CARROLL**

Babson, David Jr  
Lyman, L Randy

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

Kenney, Joseph  
Sullivan, P Judith

**CHESHIRE**

Avery, Stephen	Burnham, Daniel	Hunt, John	Lerandeau, Alfred
Manning, Joseph	Meador, David	Mitchell, McKim	Richardson, Barbara
Riley, William	Rose, William	Royce, H Charles	

**COOS**

Davis, Perley	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
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**GRAFTON**

Alger, John	Almy, Susan	Brothers, Richard	Cobb, John
Copenhaver, Marion	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Hinman, Harry	LaMott, Paul	Marshall, Gene	Nordgren, Sharon
Scanlan, David	Solow, Martha	Weber, Phil	

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Batula, Peter	Beaupre, Roland	Belvin, William	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela
Curran, James	Dalianis, Griffin	Daniels, Gary	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Emerton, Lawrence
Fenton, James	Fields, Dennis	Flora, Kathleen	Gagnon, Eugene
Garrish, Linda	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Konys, Christine
Kurk, Neal	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	McColgan, Philip Jr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mercer, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Rowe, Robert	Sarette, John	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	White, Donald	Withee, Dennis

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Owen, Derek
Potter, Frances	Seldin, Gloria	Wallin, Jean	Whalley, Michael
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Bishop, Franklin	Bridle, Russell
Case, Margaret	Clark, Martha	Clark, Vivian	Cooney, Richard
Corbin, C David	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Katsakiores, George
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Moore, Benjamin	Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Putnam, Ed II	Quandt, Marshall	Reardon, Neil	Ruffner, Walter
Sabella, Norma	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weatherspoon, Jackie	Welch, David	Whittier, John	Zolla, William

**STRAFFORD**

Brennan, William	Callaghan, Frank	Cossette, Larry	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Pelletier, Arthur	Spear, Barbara	Twardus, Joseph
Wall, Janet	Woods, Phyllis		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	McIntyre, Sara
Young, David			

and the motion failed.

**CONSIDERATION OF HB 999 (CONT'D.)**

The question now being the adoption of the committee report.

Reps. Langley and Jacobson spoke against.

Rep. Lozeau spoke in favor.

Rep. Lozeau requested a roll call; sufficiently seconded.

**YEAS 212 NAYS 128**

**YEAS 212****BELKNAP**

Bartlett, Gordon	Holbrook, Robert	Johnson, James	Millham, Alida
Pilliod, James	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	

**CARROLL**

Lyman, L Randy

**CHESHIRE**

Batchelder, Robert	Burnham, Daniel	Hunt, John	Lerandeau, Alfred
Manning, Joseph	Meador, David	Richardson, Barbara	Riley, William
Roberts, William	Rose, William	Royce, H Charles	Smith, Edwin

**COOS**

Horton, Lynn	Mears, Edgar	Pratt, Leighton
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**GRAFTON**

Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	LaMott, Paul
Marshall, Gene	Nordgren, Sharon	Picconi, Al	Scanlan, David

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Belvin, William
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Clegg, Robert Jr
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Linda	Gagnon, Eugene	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Claudette

Johnson, Lionel  
LaPorte, George  
Lozeau, Donnalee  
McGough, Tim  
Moriarty, Mary  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell  
Turgeon, Roland

Keye, Harvey  
LaRose, Richard  
McCarthy, William  
Mercer, Robert  
Mosher, William  
O'Hearn, Jane  
Reidy, Frank  
Simon, Anthony  
White, Donald

Konys, Christine  
Lasky, Bette  
McCarty, Winston  
Milligan, Robert  
Murphy, Robert  
Pappas, Marc  
Rowe, Robert  
Tate, Joan  
Withee, Dennis

L'Heureux, Robert  
Leonard, Peter  
McDonald, James Sr  
Moran, Edward  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sarette, John  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Feuerstein, Martin  
Hoadley, Elizabeth  
Lavoie, Gerard  
Maxfield, Roy  
Poulin, Dave

Brewster, Richard  
French, Barbara  
Kennedy, Richard  
Leber, William  
Moore, Carol  
Reardon, Tara

Crosby, Toni  
Hager, Elizabeth  
Langer, Ray  
Lockwood, Priscilla  
Nichols, Avis  
Rodd, Beth

Daneault, Gabriel  
Hess, David  
Larrabee, David Sr  
Marshall, Kenneth  
Potter, Frances  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Bridle, Russell  
Cox, Russell  
Fesh, Robert  
Gleason, John  
Hutchinson, Rebecca  
Kobel, Rudolph  
Mikowski, Walter  
O'Neil, Michael  
Reardon, Neil  
Stone, Joseph  
Weatherspoon, Jackie

Beaulieu, Jon  
Clark, Vivian  
DiFruscia, Anthony  
Flanagan, Natalie  
Griffin, Mary  
Johnson, Robert  
Letourneau, Robert  
Nowe, Mary Lou  
Packard, Sherman  
Ruffner, Walter  
Stritch, C Donald  
Welch, David

Belanger, Ronald  
Cooney, Richard  
Dowling, Patricia  
Flanders, John Sr  
Hamel, Albert  
Katsakiores, George  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Schanda, Frank  
Tufts, J Arthur  
Whittier, John

Bishop, Franklin  
Cote, Patricia  
Downing, Michael  
Gibbons, Paul  
Hutchinson, Karen  
Katsakiores, Phyllis  
McKinney, Betsy  
Noyes, Richard  
Rabideau, Marie  
Shelton, Richard  
Varrell, Thomas  
Zolla, William

### STRAFFORD

Berube, Roger  
Domingo, Baldwin  
Knowles, William  
Musler, George  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Lent, Donald  
Taylor, Kathleen

Brown, George  
Gilmore, Gary  
Lundborn, Raymond  
Twardus, Joseph

Cossette, Larry  
Kaen, Naida  
McKinley, Robert  
Vincent, Francis

### SULLIVAN

Burling, Peter  
Robb-Theroux, Amy

Flint, Gordon Sr

Kibbey, David

McIntyre, Sara

### NAYS 128

### BELKNAP

Boriso, Thomas  
Lawton, Robert

Boyce, Robert  
Rice, Thomas

Czech, Stanley

Lawton, David

### CARROLL

Babson, David Jr  
Kenney, Joseph  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

### CHESHIRE

Avery, Stephen  
McGuirk, Paul

Blaisdell, Michael  
Mitchell, McKim

Lynch, Margaret  
Pratt, John

Lynott, Margaret  
Zerba, Roger

**COOS**

Davis, Perley

Merrill, Gerald

Rodrigue, Robert

**GRAFTON**

Alger, John  
Ham, Bonnie  
Ward, Brien

Brothers, Richard  
Hinman, Harry  
Weber, Phil

Gilman, G Michael  
Johnson, Gary

Hall, David  
Mirski, Paul

**HILLSBOROUGH**

Beaupre, Roland  
Franks, Suzan  
Jean, Loren  
Martin, Mary  
Melcher, Harold  
Vaillancourt, Steve

Bergeron, Lucien  
Gagnon, Paul  
Leishman, Peter  
McColgan, Philip Jr  
Mendenhall, Leslie  
Wall, Nancy

Christiansen, Lars  
Garrish, Linda  
Lessard, Rudy  
McDonough-Wallace, Alice  
Messier, Irene  
White, John

Drabinowicz, A Theresa  
Hall, Betty  
MacGillivray, Jeffrey  
McRae, Karen  
Ouellette, Dean

**MERRIMACK**

Bouchard, Candace  
Gile, Mary  
Seldin, Gloria  
Whittemore, James

Chase, George  
Jacobson, Alf  
St Cyr, Gerard  
Yeaton, Charles

Davis, Francis  
Marple, Richard  
Virtue, Carolyn

Fraser, Marilyn  
Owen, Derek  
Wallin, Jean

**ROCKINGHAM**

Blanchard, MaryAnn  
Dearborn, Bruce  
Henderson, Warren  
Langone, John  
O'Keefe, Patricia  
Quandt, Marshall  
Sapareto, Frank  
Vaughn, Charles

Case, Margaret  
Dunham, Vivian  
Kane, Cecelia  
Lovejoy, Marian  
Pantelakos, Laura  
Raynowska, Bernard  
Shultis, Elizabeth  
Weare, Everett

Clark, Martha  
Francoeur, Sheila  
Kelley, Jane  
Moore, Benjamin  
Pitts, Jacqueline  
Rubin, George  
Splaine, James  
Weyler, Kenneth

Corbin, C David  
Grant, Kenneth  
Langley, Jane  
Norelli, Terie  
Putnam, Ed II  
Sabella, Norma  
Stickney, Nancy

**STRAFFORD**

Bickford, David  
Grassie, Anne  
Pelletier, Arthur  
Spear, Barbara

Callaghan, Frank  
Heon, Richard  
Rogers, Rose Marie  
Vachon, Dennis

DeChane, Marlene  
Johnson, Nancy  
Rollo, Michael  
Woods, Phyllis

Dunlap, Patricia  
Keans, Sandra  
Spang, Judith

**SULLIVAN**

Allison, David  
Leone, Richard  
Young, David

Cloutier, John  
Phinizy, James

Donovan, Thomas Jr  
Tuthill, John

Jones, Constance  
Wiggins, Celestine

and the report was adopted.  
Ordered to third reading.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Boyce requested that his protest be entered on the Journal.

House Bill 999, as amended, writes into statute the incorrect interpretation of the New Hampshire Constitution by the Supreme Court in their several Claremont rulings. Further, the Supreme Court has, by striking down selective sections of House Bill 117 and leaving others intact, attempted to legislate from the bench in clear contravention of their sworn duties to uphold the Constitution. For these and other reasons, I have voted against House Bill 999 as amended.



**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 294-FN-L**, relative to state aid to municipalities for closure of certain municipal incinerators. (Amendment printed SJ 28, 10/19/99)

Rep. Musler moved that the House concur and spoke in favor.

Adopted.

**HB 649-FN**, relative to nitrogen oxide emissions from electricity generation. (Amendment printed SJ 29, 10/22/99)

Rep. Thomas moved that the House concur and spoke in favor.

Adopted.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 999-FN-A-L**, establishing a uniform education property tax to provide funding for an adequate public education and providing education property tax hardship relief to low and moderate income taxpayers.

**UNANIMOUS CONSENT**

Reps. Thomas, Kennedy and McColgan addressed the House.

Rep. Weare moved that the remarks made by Rep. Thomas be printed in the Journal.

Adopted.

Rep. Thomas: Thank you, Madam Speaker. Thank you, Representatives, for allowing me this time. Next Monday, Governor Shaheen will sign into law HJR 10 which is another first-in-the-nation which New Hampshire is so famous for. HJR 10 requires that on November 10<sup>th</sup> every year, the Marine Corps flag will be flown over the capitol building in honor of the birthday of the Corps and the men and women who served so proudly within its ranks and in the finest traditions. No other state has such a law. Please allow me a few minutes, if you would, to indulge in a brief history of the Corps and a few of the meanings and symbolisms that are the basis of the pride, and yes, the sometimes-referred-to arrogance of the Corps.

The Marine Corps was organized on November 10, 1775 at a place called Tunn's Tavern in Philadelphia by an Act of the Continental Congress. They became "our soldiers of the sea" during the Revolutionary War.

The high thick collar on the dress blue uniform was at one time made of leather to ward off saber slashes, hence the term "leather neck." The term "devil dog" comes from the German soldiers who fought fiercely in the battle of Belleau Wood in France in World War I. It was attributed to the Marines and the ferocity of their fighting. The stirring Marine Corps' hymn which causes every Marine, present and past, to stand at rigid attention has its own reflections to the history of the Corps. The red stripe on our uniform is symbolic of the blood shed at Chapultepec, Mexico which gives us "from the Halls of Montezuma." The Marine officers sword is identical to the one surrendered to Lt. Presley O'Bannon by the Pasha of Tunisia which gives us "the shores of Tripoli." The third most recognizable symbol in the world is the Iwo Jima Memorial in Washington. It depicts the raising of the United States flag over that mountain, Suribachi, by five Marines and one Navy Corpsman. One of those Marines was our own Rene Gagnon from Manchester, New Hampshire. Another Marine who helped take that mountain was our own Alf Jacobson.

We Marines will never forget the fierce determination of our brothers who fought through seven enemy divisions and the frozen Chosen Reservoir in Korea. There are more recent memories of Marines who endured weeks of savage street fighting to reclaim Hue city and the many who perished

at Khe Sanh when it was almost lost and finally retained in the political debacle of Vietnam. And, not to forget those who served in the Gulf War and the "brush fires" around the world from Somalia to Bosnia.

Last, but not least, is the Marine Corps emblem, the eagle, globe and anchor, indicating the Marine service on land, sea and air. On November 10<sup>th</sup>, every Marine Corps station and detachment in the world has a birthday celebration in honor of our Corps for reflections on our history. I will think of the Marines who have passed through my life and of the source of their pride, their selflessness and their sense of purpose. The Marines who have gone before us, through their shared devotion and sacrifice, have set the enduring ethos of our Corps and on November 10<sup>th</sup> we renew our commitment to the standards which they have set. The ethos of our Corps is that of the warrior and is defined by two qualities. The first is valor. When called to battle we pick up our helmets and our gear. We pick up our weapons; we fight, some of us die but we will win, absolutely. The second is values. We hold ourselves and our Corps to the highest standards of honor, courage and commitment. These ethos have linked every Marine inextricably and forever.

And, so, Madam Speaker, I wish my fellow Marines in this hallowed institution a very happy birthday and Semper Paratus. And, finally, Madam Speaker, in jest, there is always a healthy, friendly rivalry between all branches of the armed forces. We Marines are called "Jarheads," seagoing "bellhops." We respond to the Navy when they say that the Marines are a department of Navy – "Yes," we say, "the Men's Department." In jest to the Army when they say things to us, we respond, ARMY means "Ain't Ready to be Marines Yet" and to the Air Force we say, "Well, somebody had to fly." However, more seriously, Madam Speaker, as shown in the Desert Storm War, together we are one. To the wonderful men and women of the Army, Navy, the Air Force, the Coast Guard and the Merchant Marine, a very honorable and happy Veteran's Day. Thank you.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate Messages and forming Committees of Conference only.

Adopted.

The House recessed at 1:55 p.m.

### RECESS

(Rep. Hess in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 224, 501 and 577.

Rep. Ronald Nowe for the Committee

### SENATE MESSAGES

### CONCURRENCE

**HB 572-FN-A**, relative to the apportionment provisions of the business profits tax.

**HB 643-FN-A-L**, transferring the regulation of emergency medical services from the department of health and human services to the department of safety.

**HB 704-FN**, establishing a wildlife damage control program and making an appropriation therefor.

**HB 999-FN-A-L**, establishing a uniform education property tax to provide funding for an adequate public education and providing education property tax hardship relief to low and moderate income taxpayers.

### ACCEDES TO A REQUEST FOR COMMITTEE OF CONFERENCE

**HB 346-FN-A**, relative to permissible fireworks.

The President appointed Sens. D'Allesandro, Disnard and Johnson.

### RE-REFERRED TO COMMITTEE

**HB 375**, relative to substitutions for disqualified and deceased candidates.

### RECESS

**(Rep. Hess in the Chair)**

**ENROLLED BILL REPORT**

The Committee of Enrolled Bills has examined and found correctly enrolled House Bill 999.  
Rep. Ronald Nowe for the Committee

RECESS

**(Rep. Mears in the Chair)**

**ENROLLED BILL AMENDMENT**

**HB 643-FN-A-L**, transferring the regulation of emergency medical services from the department of health and human services to the department of safety.

**Amendment (2235-EBA)**

Amend section 5 of the bill by replacing line 1 with the following:

5 Unclassified Salary. Amend RSA 94:1-a, I by inserting in group N the following: director of Amend RSA 153-A:7, II(a) as inserted by section 6 of the bill by replacing line 2 with the following: medical services medical control board, and the trauma medical review committee, in accordance with Amend paragraph IV of section 12 of the bill by replacing line 3 with the following: first-appointed director of emergency medical services shall be at step 1 of RSA 94:1-a, I, group N. Adopted.

RECESS

**(Rep. Chandler in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 294, 572 and 643.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee.

RECESS

**(Rep. Gene Chandler in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 649-FN**, relative to nitrogen oxide emissions from electricity generation.

**Amendment (2237-EBA)**

Amend section 4 of the bill by replacing lines 2 and 3 with the following:

by inserting after subparagraph (zzz) the following new subparagraph:

(aaaa) Moneys received by the department of environmental services under RSA 125- Adopted.

**HB 704-FN-A**, establishing a wildlife damage control program and making an appropriation therefor.

**Amendment (2238-EBA)**

Amend RSA 207:22-b, III as inserted by section 4 of the bill by replacing line 2 with the following: beginning in 2000, to the governor, the senate president, the speaker of the house, and the

Amend RSA 207:22-c, II(d) as inserted by section 4 of the bill by replacing line 3 with the following:

shall make its determinations based on urgency of need for damage relief and any other factors Amend paragraph II of section 9 of the bill by replacing line 1 with the following:

II. The executive director of the fish and game department may accept and expend federal funds and funds from any other

Adopted.

## RECESS

(Rep. Keith Herman in the Chair)

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House bills 649 and 704.

Rep. Lozeau, Sen. D'Allesandro for the Committee

## RECESS

(Speaker Sytek in the Chair)

(Clerk's Note)

## OUTSTANDING BILLS

At the time of recess on November 3, 1999, the following bills remained:

## In the House Finance Committee.

**CACR 16**, relating to establishing a restricted education trust fund; establishing a maximum rate on an income tax, and dedicating income tax revenues to education. Providing that an education trust fund be established, that revenues from a state-run lottery and revenues from the imposition of an income tax shall be deposited into the education trust fund, and that the moneys in such trust fund shall be used exclusively to provide relief from local school property taxes and to fund the state's duty to cherish the interest of public schools under Article 83, Part 2 of the New Hampshire constitution, and shall not be transferred or diverted to any other purpose.

**CACR 17**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed.

## On the table in the House.

**HB 116-FN-A-L**, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor.

**HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. (awaiting Supreme Court Opinion)

**HB 549-L**, relative to the minimum vote required for bond issues by municipalities.

**HB 550-L**, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting.

**HB 612-FN**, relative to compensation paid to jurors.

**HB 695-FN-A**, providing an exemption under the interest and dividends tax for taxpayers on a limited income.

**HB 703-FN-A-L**, establishing a regional youth center pilot program in the city of Nashua.

**HR 10**, affirming revenue estimates for fiscal years 1999, 2000, and 2001.

**CACR 12**, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years.

**CACR 21**, relating to gender neutral language in the constitution. Providing that all references to persons in the constitution shall be gender neutral.

## On the table in the Senate.

**HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor.

**HB 295-FN-L**, relative to alternative kindergarten programs in cooperative school districts.

**HB 503-FN-L**, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

**HJR 1**, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire.

**In Senate Committees.**

**HB 542-FN-A**, repealing the legacies and succession tax.

**HB 707-FN**, relative to the family division of the courts.

**Awaiting action on the Senates' request for concurrence with amendments.**

**HB 615-FN-A**, establishing a registry for brain and spinal cord injuries.

**HB 625-FN-A**, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills.

**In Committee of Conference.**

**HB 346-FN-A**, relative to permissible fireworks.

**RECESS**

**(Speaker Sytek in the Chair)**

**COMMITTEE ASSIGNMENTS**

Rep. Thomas J. Boriso off Election Law.

Rep. Vivian J. Desmarais off Wildlife and Marine Resources; on Election Law.

Rep. John E. Tholl, Jr. off Public Works and Highways; on Criminal Justice and Public Safety.

**SENATE MESSAGE**

**REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 625-FN-A**, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills. (Amendment printed SJ 29, 10/22/99).

Rep. Bradley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bradley, Norelli, MacGillivray and Gilmore.

**RECESS**

**(Rep. Foster in the Chair)**

**SENATE MESSAGE**

**REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 615-FN-A**, establishing a registry for brain and spinal cord injuries. (Amendment printed SJ 29, 10/22/99).

Rep. Nordgren moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Emerton, Kurk, Mercer and Donovan.

**RECESS**

**(Speaker Sytek in the Chair)**

The Speaker called the recessed session of November 3, 1999 to order at 10:30 a.m. on Wednesday, January 5, 2000 and declared a quorum present.

**COMMUNICATIONS**

November 10, 1999

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Coos 7, John T. Gallus, r, Berlin (292 Prospect St.) 03570

William M. Gardner, Secretary of State

December 15, 1999

Karen Wadsworth, Clerk of the House

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Merrimack 2, Jay Rosenfield, d, New London (329 Route 103A) 03257

Rockingham, 12, William J. Kelley, r, Raymond (60 Onway Lake Road) 03077

William M. Gardner, Secretary of State

**COMMITTEE ASSIGNMENTS**

Rep. John T. Gallus on Resources, Recreation and Development.

Rep. William J. Kelley on Municipal and County Government

Rep. Jay Rosenfield on Wildlife and Marine Resources.

**AMENDMENT TO HOUSE RULES**

The Rules Committee offered the following:

**Amendment (2267h)**

Amend House Rule 36(b) by replacing it with the following:

(b) All bills, resolutions, petitions, memorials and other papers addressed to the House, shall be endorsed with the name and the district of the legislator presenting them. All legislation shall be numbered serially according to type of legislation introduced. Each bill shall be marked on the first page "House Bill"; each joint resolution shall be marked "House Joint Resolution"; each concurrent resolution proposing a constitutional amendment shall be marked "Constitutional Amendment Concurrent Resolution"; other concurrent resolutions shall be marked "House Concurrent Resolution"; and each house resolution shall be marked "House Resolution."

Amend House Rule 40 by replacing it with the following:

40. All House Bills, House Joint Resolutions, House Constitutional Amendment Concurrent Resolutions, House Concurrent Resolutions and House Resolutions proposing that the House take a policy position may be introduced at any time prior to any deadline established by the House for their introduction. Exceptions:

(a) Notwithstanding any other provisions of the Rules, a House Bill, House Joint Resolution, House Constitutional Amendment Concurrent Resolution, or House Concurrent Resolution may be introduced into the House at any time prior to the crossover date specified in Rule 64, if approved by either a majority of the Committee on Rules, or a two-thirds vote on the floor; and

(b) House Resolutions proposing that the House take a policy position may be introduced into the House at any time after the deadline for introduction of bills and resolutions if approved by either a majority of the Committee on Rules, or a two-thirds vote on the floor.

Amend House Rule 46(b) by replacing it with the following:

(b) All bills and resolutions affecting state revenues or fees shall, if approved by the House when reported from the appropriate policy committee, be referred to the Committee on Finance. Any bill or resolution establishing, amending, or repealing a state fee established in statute, excluding professional licensing fees, shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Finance.

Amend House Rule 63 by adding the following sentence:

With the exception of devices for the hearing impaired, no member shall operate audible electronic transmitting devices and/or receiving devices on the floor of the House.

Amend House Rule 64 by inserting the following after the December 21, 1999 entry:

February 10, 2000, Thursday – Last day to act on remaining re-referred bills

February 24, 2000, Thursday – Last day to act on all bills going to a second committee  
 March 30, 2000, Thursday – Last day to act on all remaining House bills  
 April 20, 2000, Thursday – Last day to act on all Senate bills going to a second committee  
 May 18, 2000, Thursday – Last day to act on Senate bills  
 May 23, 2000, Tuesday – Last day to form committees of conference  
 May 26, 2000, Friday – Last day to sign off on Committee of Conference reports  
 May 31, 2000, Wednesday – Last day to act on Committee of Conference reports  
 Rep. Chandler spoke in favor.  
 Rep. Weyler requested that the question be divided. The Speaker ruled that the question was divisible.  
 Rep. Weyler moved that the section amending rule 63 be voted on separately and spoke against.  
 Reps. Jacobson, Burling and Welch spoke in favor.  
 Rep. Quandt spoke against.  
 Rep. Lozeau spoke in favor and yielded to questions.  
 Rep. Chandler requested a roll call; sufficiently seconded.  
 The question being the adoption of the section amending rule 63.

**YEAS 280 NAYS 57****YEAS 280****BELKNAP**

Boriso, Thomas	Czech, Stanley	Holbrook, Robert	Lawton, David
Millham, Alida	Pilliod, James	Rice, Thomas	Thomas, John
Turner, Robert	Wood, Jane		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Richardson, Barbara	Riley, William
Roberts, William	Robertson, Timothy	Rose, William	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	

**COOS**

Davis, Perley	Gallus, John	Glines, Sara	Guay, Lawrence
Horton, Lynn	Landers, Dana	Mears, Edgar	Pratt, Leighton
Rodrigue, Robert	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Dudley, Terri	Eaton, Stephanie	Guest, Robert	Marshall, Gene
Nordgren, Sharon	Phinney, William	Picconi, Al	

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr
Chabot, Robert	Clegg, Robert Jr	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Drabinowicz, A Theresa
Durham, Susan	Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth

Goley, Jeffrey  
Herman, Keith  
Johnson, Lionel  
L'Heureux, Robert  
Leonard, Peter  
MacGillivray, Jeffrey  
McColgan, Philip Jr  
Mendenhall, Leslie  
Murphy, Robert  
Pappas, Marc  
Reeves, Sandra  
Simon, Anthony  
White, John

Gorman, Mary  
Herman, Richard  
Keye, Harvey  
LaPorte, George  
Lessard, Rudy  
Martin, Mary  
McDonough-Wallace, Alice  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Reidy, Frank  
Thulander, O Alan  
Withee, Dennis

Hall, Betty  
Holley, Sylvia  
Konys, Christine  
LaRose, Richard  
Lozeau, Donnalee  
McCarthy, William  
McGough, Tim  
Milligan, Robert  
O'Connell, Timothy  
Perkins, Paul  
Sarette, John  
Turgeon, Roland

Hansen, Herbert  
Jean, Claudette  
Kurk, Neal  
Lasky, Bette  
Lynde, Harold  
McCarty, Winston  
Melcher, Harold  
Mosher, William  
O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
Wall, Nancy

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Leber, William  
Moore, Carol  
Reardon, Tara  
St Cyr, Gerard  
Whittemore, James

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Hoadley, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, Charles

Brewster, Richard  
Feuerstein, Martin  
Gile, Mary  
Jacobson, Alf  
Marshall, Kenneth  
Potter, Frances  
Rosenfield, Jay  
Wallin, Jean

Chase, George  
Fortnam, Janet  
Hager, Elizabeth  
Langer, Ray  
Maxfield, Roy  
Poulin, Dave  
Seldin, Gloria  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Clark, Martha  
Dearborn, Bruce  
Flanders, David  
Griffin, Mary  
Kane, Cecelia  
Langley, Jane  
Moore, Benjamin  
Nowe, Ronald  
Pantelakos, Laura  
Schanda, Frank  
Stritch, C Donald  
Weatherspoon, Jackie

Arndt, Janet  
Bridle, Russell  
Clark, Vivian  
Dowling, Patricia  
Flanders, John Sr  
Henderson, Warren  
Katsakiores, George  
Langone, John  
Morse, Charles  
Noyes, Richard  
Pitts, Jacqueline  
Shelton, Richard  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Case, Margaret  
Cooney, Richard  
Downing, Michael  
Francoeur, Sheila  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Letourneau, Robert  
Norelli, Terie  
O'Keefe, Patricia  
Rabideau, Marie  
Shultis, Elizabeth  
Varrell, Thomas  
Whittier, John

Bishop, Franklin  
Christie, Andrew Jr  
Cox, Russell  
Dunham, Vivian  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Ruffner, Walter  
Splaine, James  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Gilmore, Gary  
Keans, Sandra  
Musler, George  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Brennan, William  
Domingo, Baldwin  
Grassie, Anne  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph

Brown, George  
Dunlap, Patricia  
Heon, Richard  
Lundborn, Raymond  
Rollo, Michael  
Spear, Barbara  
Vachon, Dennis

Callaghan, Frank  
Estabrook, Iris  
Johnson, Nancy  
McKinley, Robert  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Robb-Theroux, Amy.

Burling, Peter  
Jones, Constance  
Tuthill, John

Cloutier, John  
McIntyre, Sara  
Wiggins, Celestine

Donovan, Thomas Jr  
Phinizy, James  
Young, David



### NAYS 57

#### BELKNAP

Bartlett, Gordon  
Wendelboe, Francine

Boyce, Robert

Johnson, James

Rosen, Ralph

#### CARROLL

Dickinson, Howard

Sullivan, P Judith

Torresen, Gary

#### CHESHIRE

None

#### COOS

None

#### GRAFTON

Alger, John  
Hall, David  
Scanlan, David

Brothers, Richard  
Harmon, Hobart  
Weber, Phil

Cobb, John  
MacNeil, Allen

Gilman, G Michael  
Mirski, Paul

#### HILLSBOROUGH

Baroody, Benjamin  
Fenton, James  
Rowe, Robert

Bruno, Pierre  
Jean, Loren  
Vaillancourt, Steve

Christiansen, Lars  
Martel, Andre  
White, Donald

Dokmo, Cynthia  
McRae, Karen

#### MERRIMACK

Kennedy, Richard

Larrabee, David Sr

Lavoie, Gerard

Soltani, Tony

#### ROCKINGHAM

Beaulieu Jon  
Fesh, Robert  
Kelley, William  
Quandt, Marshall  
Sapareto, Frank

Carson, Gregory  
Flanagan, Natalie  
McKinney, Betsy  
Raynowska, Bernard  
Stickney, Nancy

Corbin, C David  
Grant, Kenneth  
Mikowski, Walter  
Rubin, George  
Weare, Everett

DiFruscia, Anthony  
Hamel, Albert  
Putnam, Ed II  
Sabella, Norma  
Weyler, Kenneth

#### STRAFFORD

Pelletier, Arthur

Woods, Phyllis

#### SULLIVAN

Kibbey, David

Leone, Richard

and the section amending rule 63 was adopted.

The question now being the remainder of the amendment to House Rules.

Rep. Burling spoke in favor.

Adopted.

### SENATE MESSAGES

#### ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 615-FN-A**, establishing a registry for brain and spinal cord injuries.

The President appointed Sens. Squires, Krueger and Fernald.

**HB 625-FN-A**, relative to mercury emissions reduction and control program and a study of mercury in as landfills.

The President appointed Sens. Russman, Pignatelli and Cohen.

### RECESS

## (Speaker Sytek in the Chair)

## REGULAR CALENDAR

**CACR 16**, relating to establishing a restricted education trust fund; establishing a maximum rate on an income tax, and dedicating income tax revenues to education. Providing an education trust fund be established, that revenues from a state-run lottery and revenues from the imposition of an income tax shall be deposited into the education trust fund, and that the moneys in such trust fund shall be used exclusively to provide relief from local school property taxes and to fund the state's duty to cherish the interest of public schools under Article 83, Part 2 of the New Hampshire constitution, and shall not be transferred or diverted to any other purpose. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Finance: This proposed constitutional amendment came to the House after passing the Senate by the requisite three-fifths vote. There was testimony that this CACR passed the Senate in a compromise wherein CACR 17 was passed at the same time. That fact notwithstanding, the Finance Committee considered each CACR separately. This was viewed as a flawed amendment even by those who expressed a modicum of support. It attempts to accomplish several goals. First, it grants the General Court the power to impose an income tax, a power which the General Court already has. Thus, the CACR is not necessary on that front and was viewed by some as an attempt to place forward a referendum in the guise of a constitutional amendment.

The CACR would also limit any income tax, should one ever be passed, to four percent without a three-fifths vote by both the House and Senate. Some viewed this as a compromise, an attempt to minimize the level of what might happen in the future. The majority, however, saw this as both unnecessary and ultimately unwise. If, at some time in the future, an income tax might be viewed as the best solution to raising revenue, would it be best to limit it to four percent or to leave that decision up to the future legislature which would consider it?

The CACR also attempts to restrict any monies raised by an income tax to the funding of education by placing the monies in the education trust fund. Further, the CACR attempts to guarantee that monies raised from any income tax be used to provide local property tax relief. Whether or not the CACR is worded so as to accomplish these goals is problematic. In any event, all the goals in this CACR could be accomplished by any future General Court which would so desire. It is not constitutional wording which would prevent such legislation but rather the will to move in such a desired direction. Vote 14-6.

Adopted.

**CACR 17**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: The Senate passed CACR 17 in November 1999 as a companion amendment to CACR 16, which concerned limitations on any future NH income tax, were such a tax to be enacted. CACR 17 would amend Article 83, second part, and assert legislative authority in setting public education policy, and affirm the state's responsibility for providing to all citizens the opportunity to receive a public education. It also claims legislative power to fulfill this responsibility by imposing rates and taxes on other political subdivisions within the state as long as those rates and taxes were proportional within those subdivisions. In effect it would allow a return to the education funding system in place prior to the various Claremont rulings.

After careful examination of CACR 17, a serious drafting problem was brought to light. There is a difference in the wording of the actual language that would be inserted in the constitution and the wording for the question that would be put to the voters. In similar past circumstances where there is a disconnect between actual amendment language and voter intent, the Supreme Court has ruled such an amendment and vote to be invalid. The Finance Committee considered an amendment to CACR 17 that would remedy this defect, but in testimony by Senate sponsors came to

understand that body would likely reject any modifications to the Senate version. An additional amendment was considered that would separate the legislative authority assertion from the funding mechanisms and allow only the legislative authority part to go forward. After additional information gathering and debate this approach too was rejected. It was felt this approach should be considered through a separate CACR.

The funding of public education and various constitutional amendments will continue to be primary legislative concerns. However the committee felt that fresh initiatives in the 2000 session would be a better process to follow rather than to continue with last year's effort that linked both CACRs 16 and 17 and therefore voted Inexpedient to Legislate. Vote 17-1.

### **MOTION TO LAY ON THE TABLE**

Rep. Wendelboe moved that **CACR 17**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed, be laid on the table.

The motion failed.

### **REGULAR CALENDAR (CONT'D.)**

The question now being the adoption of the Committee Report on CACR 17.

Rep. Mirski requested a roll call; sufficiently seconded.

### **YEAS 287 NAYS 43**

#### **YEAS 287**

##### **BELKNAP**

Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Millham, Alida
Pilliod, James	Rosen, Ralph	Thomas, John	Turner, Robert
Wood, Jane			

##### **CARROLL**

Chandler, Gene	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

##### **CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Richardson, Barbara	Riley, William	Roberts, William
Robertson, Timothy	Royce, H Charles	Russell, Ronald	Smith, Edwin
Zerba, Roger			

##### **COOS**

Davis, Perley	Gallus, John	Glines, Sara	Guay, Lawrence
Horton, Lynn	Landers, Dana	Mears, Edgar	Pratt, Leighton
Rodrigue, Robert	Tholl, John Jr		

##### **GRAFTON**

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Dudley, Terri	Eaton, Stephanie	Guest, Robert	Hall, David
Harmon, Hobart	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien			

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Chabot, Robert	Christiansen, Lars	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Hansen, Herbert
Herman, Keith	Herman, Richard	Holley, Sylvia	Jean, Claudette
Jean, Loren	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
Martel, Andre	McCarthy, William	McCarty, Winston	McColgan, Philip Jr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Pepino, Leo	Perkins, Paul
Peterson, Andrew	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy
White, John	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Whalley, Michael
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Carson, Gregory	Case, Margaret	Christie, Andrew Jr
Clark, Martha	Clark, Vivian	Cooney, Richard	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	McKinney, Betsy	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II
Rabideau, Marie	Raynowska, Bernard	Ruffner, Walter	Sabella, Norma
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stickney, Nancy	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Weatherspoon, Jackie	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Heon, Richard	Johnson, Nancy

Keans, Sandra  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen  
Vincent, Francis

Lent, Donald  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Lundborn, Raymond  
Rogers, Rose Marie  
Spang, Judith  
Twardus, Joseph  
Woods, Phyllis

McKinley, Robert  
Rollo, Michael  
Spear, Barbara  
Vachon, Dennis

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
McIntyre, Sara  
Wiggins, Celestine

Burling, Peter  
Jones, Constance  
Phinizy, James  
Young, David

Cloutier, John  
Kibbey, David  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Leone, Richard  
Tuthill, John

### NAYS 43

### BELKNAP

Boriso, Thomas  
Rice, Thomas

Boyce, Robert  
Wendelboe, Francine

Johnson, James

Lawton, David

### CARROLL

Babson, David Jr

Dickinson, Howard

Howard, Godfrey

### CHESHIRE

Hunt, John

### COOS

Woodward, David

### GRAFTON

Alger, John  
Weber, Phil

Brothers, Richard

Cobb, John

Gilman, G Michael

### HILLSBOROUGH

Alukonis, David  
Daniels, Gary  
Fenton, James  
White, Donald

Bruno, Pierre  
Desmarais, Vivian  
Martin, Mary

Clegg, Robert Jr  
Desrosiers, William  
McRae, Karen

Dalianis, Griffin  
Dwyer, Paul Sr  
Pappas, Marc

### MERRIMACK

Kennedy, Richard

Owen, Derek

Soltani, Tony

### ROCKINGHAM

Beaulieu, Jon  
Gleason, John  
Moore, Benjamin

Bridle, Russell  
Henderson, Warren  
Rubin, George

Cox, Russell  
Langley, Jane  
Sapareto, Frank

Flanagan, Natalie  
Mikowski, Walter

### STRAFFORD

None

### SULLIVAN

None

and the report was adopted.

Reps. Brother and Dwyer voted Nay and intended to vote Yea.

Rep. MacGillivray did not vote and wished to be recorded in favor.

### SUSPENSION OF RULES

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit consideration at the present time of a Committee of Conference report on **HB 346-FN-A**, relative to permissible fireworks, after the deadline for filing and action.

Adopted by the necessary two-thirds.

**COMMITTEE OF CONFERENCE REPORT ON HB 346**

**HB 346-FN-A**, relative to permissible fireworks. (Report printed SJ 30, 11/3/99)  
Rep. Welch spoke in favor.  
Adopted.

**RESOLUTION**

Reps. Chandler and Burling offered the following:

**RESOLVED**, that the House inform the Honorable Senate that it is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential candidate Steve Forbes.  
Adopted.

**SENATE MESSAGE**

The Senate is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential candidate Steve Forbes.

**JOINT CONVENTION**

**(Speaker Sytek presiding)**

**REMARKS**

Steve Forbes, Republican candidate for President, addressed the Joint Convention.  
Sen. Larsen and Rep. Chandler moved that the Joint Convention arise.  
Adopted.  
The Joint Convention adjourned.

**RECESS**

**(Speaker Sytek in the Chair)**

**SUSPENSION OF RULES**

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit consideration at the present time of a Committee of Conference report on **HB 615-FN-A**, establishing a registry for brain and spinal cord injuries, after the deadline for filing and action and without the required notice.  
Adopted by the necessary two-thirds.

**COMMITTEE OF CONFERENCE REPORT ON HB 615**

**HB 615-FN-A**, establishing a registry for brain and spinal cord injuries. (Report printed SJ 30, 11/3/99)  
Rep. Emerton spoke in favor.  
Adopted.

**RECESS**

**(Speaker Sytek in the Chair)**

**SUSPENSION OF RULES**

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit consideration at the present time of a Committee of Conference report on **HB 625-FN-A**, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills, after the deadline for filing and action and without the required notice.  
Adopted by the necessary two-thirds.

**COMMITTEE OF CONFERENCE REPORT ON HB 625**

**HB 625-FN-A**, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills. (Report printed SJ 30, 11/3/99)  
Rep. Bradley spoke in favor and yielded to questions.  
Adopted.

**RECESS**

**(Rep. Clegg in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 346-FN-A**, relative to permissible fireworks.

**Amendment (3024-EBA)**

Amend the bill by replacing line 3 of section 17 with the following:  
fireworks review committee established by RSA 160-B:23 and repealed by section 21 of this act.  
Adopted.

**HB 625-FN-A**, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills.

**Amendment (3023-EBA)**

Amend section 1 of the bill by replacing lines 2-5 with the following:  
after chapter 125-L the following new chapter:

**CHAPTER 125-M**

**MERCURY EMISSIONS REDUCTION AND CONTROL PROGRAM**

125-M:1 Findings and Purpose.

Amend section 1 of the bill by replacing line 50 with the following:

125-M:2 Definitions.

Amend section 1 of the bill by replacing line 80 with the following:

125-M:3 Mercury Reduction and Control Program. The department shall develop a mercury

Amend section 1 of the bill by replacing line 94 with the following:

125-M:4 Rulemaking Authority. The commissioner shall adopt rules, under RSA 541-A relative

Amend section 1 of the bill by replacing line 100 with the following:

125-M:5 Compliance.

Amend RSA 125-M:5, I as inserted by section 1 of the bill by replacing line 8 with the following:  
250 tons per day but not less than 100 tons per day which are subject to RSA 125-M:3, I shall submit

Amend section 1 of the bill by replacing line 118 with the following:

125-M:6 Enforcement.

Amend section 1 of the bill by replacing line 121 with the following:

125-M:7 Variances. Any variance granted under this chapter shall be granted by the

Adopted.

**RECESS**

**(Rep. Loren Jean in the Chair)**

**ENROLLED BILL AMENDMENT**

**HB 615-FN-A**, establishing a registry for brain and spinal cord injuries and making appropriations to the department of resources and economic development and the governor's commission on disability.

**Amendment (3056-EBA)**

Amend section 6 of the bill by replacing line 1 with the following:

6 New Sections; Duties; Registry Established. Amend RSA 137-K by inserting after section 3

Amend section 6 of the bill by replacing line 3 with the following:

137-K:4 Duties. The commissioner shall:

Amend section 6 of the bill by replacing line 11 with the following:

137-K:5 Brain and Spinal Cord Injury Registry Established. There shall be established in the

Amend section 6 of the bill by replacing line 14 with the following:

137-K:6 Reporting. All facilities shall provide a report to the brain and spinal cord injury

Amend section 6 of the bill by replacing line 16 with the following:

137-K:7 Disclosure; Confidentiality.

Amend section 6 of the bill by replacing line 22 with the following:

II. Analyses and compilations of data prepared under RSA 137-K:4 which do not disclose the

Amend section 6 of the bill by replacing lines 26-28 with the following:  
RSA 137-K:6.

137-K:8 Maintenance of Reports. Reports provided to the brain and spinal cord injury registry under RSA 137-K:6, and analyses and data prepared under RSA 137-K:4 shall be maintained by the

Amend section 6 of the bill by replacing line 30 with the following:  
available to persons as prescribed in RSA 137-K:7.

Adopted.

## RECESS

(Speaker Sytek in the Chair)

## ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House bills 346, 615 and 625.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

Rep. Lozeau moved that the House adjourn from the 1999 session.

Adopted.

Attested by  
Karen O. Wadsworth  
Clerk of the House

(Clerk's Note)

## OUTSTANDING BILLS

**At the time of adjournment on November 3, 1999, the following House bills remained on the table in the House.**

**HB 116-FN-A-L**, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor.

**HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. (awaiting Supreme Court Opinion)

**HB 549-L**, relative to the minimum vote required for bond issues by municipalities.

**HB 550-L**, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting.

**HB 612-FN**, relative to compensation paid to jurors.

**HB 695-FN-A**, providing an exemption under the interest and dividends tax for taxpayers on a limited income.

**HB 703-FN-A-L**, establishing a regional youth center pilot program in the city of Nashua.

**HR 10**, affirming revenue estimates for fiscal years 1999, 2000, and 2001.

**CACR 12**, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years.

**CACR 21**, relating to gender neutral language in the constitution. Providing that all references to persons in the constitution shall be gender neutral.

**At the time of adjournment on November 3, 1999, the following House bills remained on the table in the Senate.**

**HB 295-FN-L**, relative to alternative kindergarten programs in cooperative school districts.

**HB 503-FN-L**, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

**HJR 1**, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire.

**At the time of adjournment on November 3, 1999, the following House bills remained in Senate Committees.**

**HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor.

**HB 542-FN-A**, repealing the legacies and succession tax.

**HB 707-FN**, relative to the family division of the courts.



**COMMITTEES CREATED BY 1999 CHAPTERS****EXTENDED REPORTING DATES FOR CHAPTER STUDY COMMITTEES**

**ALTERNATIVE AGRICULTURAL PRODUCTS EFFECT AND JURISDICTION COMMISSION**, (HB 1120, Chapter 103:1, Laws of 1998). Report date extended by HB 73, Chapter 10, Laws of 1999.

**SERVICES PROVIDED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE STATE SUBSTANCE ABUSE DELIVERY SYSTEM**, (HB 1174, Chapter 247:1, Laws of 1998). Report date extended by SB 19, Chapter 38:1, Laws of 1999. Duties amended by SB 197, Chapter 255, Laws of 1999.

**UPDATING NEW HAMPSHIRE LAWS RELATED TO FENCES STUDY**, (HB 1154, Chapter 62:1, Laws of 1998). Report date extended by HB 583, Chapter 74:1, Laws of 1999.

**STATUTORY COMMITTEE AMENDED**

**HERITAGE COLLECTIONS COMMITTEE** (RSA 227-C:18). Committee's responsibilities defined in HB 686, Chapter 60, Laws of 1999.

**CHAPTER STUDIES****HB 2 (Chapter 225:19, Laws of 1999) – PROTECTION OF WATERFRONT PROPERTIES FROM EROSION STUDY**

Reps. William E. Leber, Michael D. Whalley and Charles L. Vaughn, appointed by the Speaker of the House of Representatives.

Sens. Beverly A. Hollingworth, Carl R. Johnson and Leo W. Fraser, Jr., appointed by the President of the Senate.

**HB 58 (Chapter 40:2, Laws of 1999) – ADOPTION IN NEW HAMPSHIRE STUDY**

Reps. David A. Bickford (Children), Pamela D. Coughlin (Children), Barbara Hull Richardson (Children) and Andre A. Martel (Health), appointed by the Speaker of the House of Representatives.

Sens. Debora B. Pignatelli and Mary E. Brown, appointed by the President of the Senate.

**HB 82 (Chapter 155:2, Laws of 1999) – FINANCIAL ARRANGEMENTS AMONG HOSPITALS, HEALTH CARE PROVIDERS, AND INSURANCE COMPANIES STUDY**

Reps. Keith R. Herman (Commerce), Sheila T. Francoeur (Commerce) and Martha Fuller Clark, appointed by the Speaker of the House of Representatives.

Sens. Katherine W. Wheeler, James W. Squires and Gary R. Francoeur, appointed by the President of the Senate.

**HB 84 (Chapter 334:1, Laws of 1999) – DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED DRUGS IN NEW HAMPSHIRE STUDY**

Reps. John E. Tholl, Jr. (Criminal Justice and Public Safety), Susan W. Almy (Finance) and Hobart M. Harmon, appointed by the Speaker of the House of Representatives.

Sens. Edward Gordon, Clifton C. Below and Debora B. Pignatelli, appointed by the President of the Senate.

**HB 117 (Chapter 17:55, Laws of 1999) – TAX EQUITY AND EFFICIENCY COMMISSION**

Reps. David J. Alukonis, Kenneth L. Weyler, Jeffrey C. MacGillivray, Raymond Buckley and Linda T. Foster, appointed by the Speaker of the House of Representatives.

Sens. Clifton C. Below, Beverly A. Hollingworth, Mark D. Fernald, Arthur P. Klemm, Jr. and Frederick W. King, Sr., appointed by the President of the Senate.

**HB 214 (Chapter 42:1, Laws of 1999) - WOMEN'S HEALTH CARE STUDY** Report date extended and membership increased on study from HB 1536, Chapter 118:1, Laws of 1998.

Reps. Martha Fuller Clark (Commerce), Margaret A. Case (Health), Jane S. Langley (Commerce), Andre A. Martel (Health) and Terie T. Norelli, appointed by the Speaker of the House of Representatives.

Sens. Katherine W. Wheeler (Insurance), Sylvia B. Larsen (Public Institutions), Caroline McCarley (Public Institutions), Leo W. Fraser, Jr. (Insurance) and James W. Squires (Public Institutions), appointed by the President of the Senate.

**HB 227 (Chapter 11:2, Laws of 1999) – MAINTENANCE OF VOTER CHECKLISTS STUDY**

Reps. Janet S. Arndt, Mary Lou Nowe and Jane A. Clemons, appointed by the Speaker of the House of Representatives.

Sens. Rick A. Trombly, Lou D'Allesandro and Patricia Krueger, appointed by the President of the Senate.

**HB 288 (Chapter 23:3, Laws of 1999) LAND USE MANAGEMENT AND PROTECTION OF FARMLAND, RURAL CHARACTER AND ENVIRONMENTAL QUALITY AND SPRAWL STUDY** (Membership increased and report date extended on study from HB 1238, Chapter 197:2, Laws of 1998)

Reps. Robert W. Brundige (Municipal), Harold P. Melcher (Environment), Martha Fuller Clark, Judith T. Spang (Resources) and David Kibbey, appointed by the Speaker of the House of Representatives.

Sens. Debora B. Pignatelli, Mark D. Fernald, Clifton C. Below, Richard L. Russman and Carl R. Johnson, appointed by the Senate President.

**HB 291 (Chapter 282:2, Laws of 1999) – SEED STERILIZATION TECHNOLOGY STUDY**

Reps. David L. Babson, Jr. (Environment), Harold P. Melcher (Environment), Ronald J. Belanger (Commerce) and Donald B. White (Science), appointed by the Speaker of the House.

Sens. Katherine W. Wheeler (Environment), Carl R. Johnson (Environment) and Sheila Roberge (Energy and Economic Development), appointed by the President of the Senate.

**HB 307 (Chapter 24:2, Laws of 1999) – NEGOTIATED RISK AGREEMENTS WHEN PATIENTS DESIRE TO REMAIN IN A FACILITY OVER THE RECOMMENDATIONS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**

Reps. Janeen A. Dalrymple, Robert F. Chabot and Gloria Seldin, appointed by the Speaker of the House of Representatives.

Sens. Rick A. Trombly, George F. Disnard and Patricia Krueger, appointed by the President of the Senate.

**HB 340 (Chapter 71:2, Laws of 1999) – MERCURY SOURCE REDUCTION AND RECYCLING ISSUES STUDY**

Reps. George T. Musler (Environment), John S. Cobb and Harold V. Lynde (Science), appointed by the Speaker of the House of Representatives.

Sens. Carl R. Johnson (Environment), Katherine W. Wheeler (Environment) and Clifton C. Below, appointed by the President of the Senate.

**HB 357 (Chapter 89:2, Laws of 1999) – ISSUES RELATED TO INVESTIGATIONS, TRIALS, CONVICTIONS, AND SENTENCING OF SEX OFFENDERS STUDY**

Reps. Maxwell Sargent (Criminal Justice), DonnaLee Lozeau, Loren Jean (Judiciary) and Patricia M. O'Keefe, appointed by the Speaker of the House of Representatives.

Sens. Edward M. Gordon, Rick A. Trombly and Debora B. Pignatelli, appointed by the President of the Senate.

**HB 365 (Chapter 36:2, Laws of 1999) – CURRENT PRACTICE OF POSTING ROADS AND ITS EFFECT ON THE ECONOMY STUDY**

Reps. John E. Tholl, Jr., Charles W. Morse and Candace White Bouchard, appointed by the Speaker of the House of Representatives.

Sens. Edward M. Gordon, Sheila Roberge and Clifton C. Below, appointed by the President of the Senate.

**HB 369 (Chapter 258:2, Laws of 1999) – YOUTH TOBACCO USE PREVENTION AND EDUCATION STUDY**

Reps. Kathleen M. Flora (Criminal Justice), Janeen A. Dalrymple (Health), Stephen G. Avery (Commerce) and Barbara Hull Richardson (Children), appointed by the Speaker of the House of Representatives.

Sens. B. Larsen (Education), James A. Squires (Public Institutions), Mark D. Fernald (Judiciary) and George F. Disnard (Public Affairs), appointed by the President of the Senate.

**HB 379 (Chapter 201:2, Laws of 1999) – SULLIVAN COUNTY REGIONAL REFUSE DISPOSAL DISTRICT**

Reps. Betsy L. Patten, Richard C. Leone and Linda T. Foster, appointed by the Speaker of the House of Representatives.

Sens. Clifton C. Below, Carl R. Johnson and George F. Disnard, appointed by the President of the Senate.

**HB 402 (Chapter 47:2, Laws of 1999) – METHODS TO PROMOTE THE USE OF RENEWABLE ENERGY SOURCES STUDY**

Reps. Lawrence J. Guay, John H. Thomas, Donald B. White, Gary R. Gilmore and Harold V. Lynde, appointed by the Speaker of the House of Representatives.

Sens. Richard L. Russman, Clifton C. Below, Frederick W. King, Sr., Leo W. Fraser, Jr. and Burton J. Cohen, appointed by the President of the Senate.

**HB 414 (Chapter 203:2, Laws of 1999) – UNCLASSIFIED SALARY STRUCTURE FOR STATE OFFICERS STUDY**

Reps. Merton S. Dyer, Robert E. Clegg, Jr. and Christine M. Konys, appointed by the Speaker of the House of Representatives.

Sens. Lou D'Allesandro, Clifton C. Below and Frederick W. King, Sr., appointed by the President of the Senate.

**HB 431 (Chapter 142:2, Laws of 1999) – USES OF THE WHITE MOUNTAIN NATIONAL FOREST STUDY**

Reps. Michael D. Whalley (Resources), Richard S. Brothers (Wildlife), Linda T. Foster (Municipal) and Joseph D. Kenney (Commerce). Alternate: Rep. Gene G. Chandler, appointed by the Speaker of the House of Representatives.

Sens. Frederick W. King, Sr. (Energy and Economic Development and the White Mountain National Forest Community), Clifton C. Below (Internal Affairs), Carl R. Johnson (from the White Mountain National Forest Community) and George F. Disnard (Wildlife and Recreation)

**HB 444 (Chapter 143:2, Laws of 1999) – PASSENGER RAIL SERVICE ON THE EASTERN LINE BETWEEN NEWBURYPORT, MASSACHUSETTS AND KITTERY, MAINE STUDY**

Reps. George N. Katsakiores, James R. Splaine and James A. Whittemore, appointed by the Speaker of the House of Representatives.

Sens. Burton J. Cohen, Beverly A. Hollingworth and Arthur P. Klemm, Jr., appointed by the President of the Senate.

**HB 451 (Chapter 233:2, Laws of 1999) – FIRST AND SECOND MORTGAGE HOME LOANS STUDY**

Reps. Sheila T. Francoeur (Commerce), Gene B. Marshall (Commerce) and Tara G. Reardon, appointed by the Speaker of the House of Representatives.

Sens. Leo W. Fraser, Jr. (Banks), Mark D. Fernald (Banks) and George F. Disnard, appointed by the President of the Senate.

**HB 456 Chapter 144:2, Laws of 1999) – ISSUES RELATING TO THE DEAF COMMUNITY STUDY**

Reps. Daniel M. Burnham (Health), Andre A. Martel (Health), Sylvia A. Holley (Executive Departments), Robert E. McKinley (Education) Elizabeth K. Hoadley (Education), appointed by the Speaker of the House of Representatives.

Sens. James W. Squires (Public Institutions), Katherine W. Wheeler (Public Institutions), Caroline McCarley (Education), Lou D'Allesandro (Education) and Mary E. Brown, appointed by the President of the Senate.

**HB 473 (Chapter 205:2, Laws of 1999) – NON-GROUP HEALTH INSURANCE MARKET STUDY**

Reps. Sheila T. Francoeur, Griffin T. Dalianis and Dennis P. Vachon, appointed by the Speaker of the House of Representatives.

Sens. John A. King, Gary R. Francoeur and Caroline McCarley, appointed by the President of the Senate.

**HB 530 (Chapter 51:2, Laws of 1999) – POLICIES AND PROCEDURES OF THE JOINT HEALTH COUNCIL REVIEW STUDY**

Reps. Phyllis M. Katsakiores, Andre A. Martel and Marion L. Copenhaver, appointed by the Speaker of the House of Representatives.

Sens. Katherine W. Wheeler, James W. Squires and Patricia Krueger, appointed by the President of the Senate.

**HB 532 (Chapter 135:3, Laws of 1999) – COMMISSION ON EARLY CHILDHOOD EDUCATION**

Reps. Susan B. Durham (designee of Chairman of Education), Russell N. Cox and Iris W. Estabrook, appointed by the Speaker of the House of Representatives.

Sens. Caroline McCarley (Chair of Education), Sylvia B. Larsen and Richard L. Russman, appointed by the President of the Senate.

**HB 535 (Chapter 92:3, Laws of 1999) – DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT STUDY**

Reps. H. Charles Royce, alternate: Michael D. Whalley (Resources), Howard C. Dickinson (Executive Departments) and Martha Fuller Clark (Commerce) appointed by the Speaker of the House of Representatives.

Sens. Burton J. Cohen (Executive Departments), Frederick W. King, Sr. (Energy and Economic Development) and Lou D'Allesandro (Environment), appointed by the President of the Senate.

**HB 538 (Chapter 129:2, Laws of 1999) – CONSTRUCTION AND REPAIR OF NEW HAMPSHIRE COMMEMORATIVE MONUMENTS AT CERTAIN CIVIL WAR BATTLE SITES**

Reps. Robert J. Letourneau, Sherman A. Packard and Linda T. Foster, appointed by the Speaker of the House of Representatives.

Sens. Sylvia B. Larsen, Arthur P. Klemm, Jr. and Carl R. Johnson, appointed by the President of the Senate.

**HB 541 (Chapter 145:1, Laws of 1999) – UPGRADE OF ROUTES 11 AND 140 STUDY**

Reps. William E. Leber (Merrimack), John H. Thomas (Belknap), Barbara L. Spear (Strafford) and John R. Cloutier (Sullivan), Alternate: James A. Whittemore, appointed by the Speaker of the House of Representatives.

Sens. George F. Disnard, Caroline McCarley, Rick A. Trombly and Leo W. Fraser, Jr., appointed by the President of the Senate.

**HB 545 (Chapter 235:2, Laws of 1999) – AMBULATORY SURGICAL FACILITIES STUDY**

Reps. Peter L. Batula (Health), Francine Wendelboe and Thomas E. Donovan, Jr., appointed by the Speaker of the House of Representatives.

Sens. Katherine W. Wheeler (Public Institutions), Lou D'Allesandro and Leo W. Fraser, Jr., appointed by the President of the Senate.

**HB 562 (Chapter 292:2, Laws of 1999) – DATE OF DECISION FOR APPEALS OF ZONING MATTERS STUDY**

Reps. David W. Hess, Anthony F. Simon, Priscilla P. Lockwood and Linda T. Foster, appointed by the Speaker of the House of Representatives.

Sens. Rick A. Trombly, Clifton C. Below, Edward M. Gordon and Gary R. Francoeur, appointed by the President of the Senate.

**HB 592 (Chapter 55:3, Laws of 1999) – REQUIREMENTS FOR USAGE OF METHYL T-BUTYL ETHER**

Reps. Jeb E. Bradley (Science), Roy D. Maxfield (Science), Jeffrey C. MacGillivray, Terie T. Norelli and Michael W. Downing (Resources), appointed by the Speaker of the House of Representatives.

Sens. Richard L. Russman, Katherine W. Wheeler, Carl R. Johnson, Burton J. Cohen and Clifton C. Below, appointed by the President of the Senate.

**HB 616 (Chapter 297:2, Laws of 1999) – ISSUES RELATING TO DRIVER TRAINING FUND PURSUANT TO RSA263:52 STUDY**

Reps. Sherman A. Packard, Norman L. Major, George A. LaPorte and John P. Gleason (alternate), appointed by the Speaker of the House of Representatives.

**HB 624 (Chapter 114:3, Laws of 1999) – HEALTH CARE QUALITY STUDY**

Reps. Martin Feuerstein (Health), Andre A. Martel and Toni M. Crosby, appointed by the Speaker of the House of Representatives.

Sens. Katherine W. Wheeler, James W. Squires (Public Institutions) and Caroline McCarley, appointed by the President of the Senate.

**HB 650 (Chapter 237:2, Laws of 1999) – STRUCTURE OF ALCOHOL AND DRUG ABUSE PREVENTION SERVICES STUDY**

Reps. William E. Leber, Kathleen N. Taylor and Russell N. Cox, appointed by the Speaker of the House of Representatives.

Sens. Katherine W. Wheeler, John A. King and Edward M. Gordon, appointed by the President of the Senate.

**HB 664 (Chapter 262:2, Laws of 1999) – RIGHTS OF OWNERSHIP CEMETERY PLOTS STUDY**

Reps. Betsey L. Patten, Allen K. MacNeil and William V. Knowles, appointed by the Speaker of the House of Representatives.

Sens. Rick A. Trombly, Gary R. Francoeur and Mary E. Brown, appointed by the President of the Senate.

**HB 689 (Chapter 264:2, Laws of 1999) – CAMPAIGN CONTRIBUTION AND EXPENDITURE STUDY**

Reps. Lynn C. Horton, Francis W. Davis and James R. Splaine and Natalie S. Flanagan, appointed by the Speaker of the House of Representatives.

Sens. Rick A. Trombly, Carl R. Johnson, Clifton C. Below and Sylvia B. Larsen, appointed by the President of the Senate.

**HB 727 (Chapter 146:2, Laws of 1999) – PROBLEMS AND POSSIBLE REGULATION OF OUTDOOR LIGHTING**

Sens. Sylvia B. Larsen, Patricia Krueger and Burton J. Cohen, appointed by the President of the Senate.

Reps. Eugene L. Gagnon, Mary E. Griffin and Martha Fuller Clark, appointed by the Speaker of the House of Representatives.

**SB 13 (Chapter 115:2, Laws of 1999) – JOINT MAINTENANCE AGREEMENTS IN SCHOOL DISTRICTS STUDY**

Sens. Carl R. Johnson, Caroline McCarley and Lou D'Allesandro, appointed by the President of the Senate.

Reps. Bruce L. Dearborn, Perley E. Davis and Charles B. Yeaton, appointed by the Speaker of the House of Representatives.

**SB 14 (Chapter 94:2, Laws of 1999) – FEDERAL WELFARE REFORM ON THE CITIES AND TOWNS OF NEW HAMPSHIRE IMPACT STUDY**

Sens. Lou D'Allesandro, Burton J. Cohen, Rick A. Trombly, James W. Squires and George F. Disnard, appointed by the President of the Senate.

Reps. Christine M. Konys, Marilyn A. Fraser (Municipal), Walter D. Ruffner (Health), Joseph P. Manning (Health) and O. Alan Thulander, appointed by the Speaker of the House of Representatives.

**SB 26 (Chapter 151:2, Laws of 1999) – TRUSTEE PROCESS STUDY**

Sens. Katherine W. Wheeler, Caroline McCarley and Edward Gordon, appointed by the President of the Senate.

Reps. Sandra B. Kears, Dennis J. Withee and John M. Pratt, appointed by the Speaker of the House of Representatives.

**SB 32 (Chapter 244:3, Laws of 1999) – REVIEW OF STATE'S STATUTES DEALING WITH INDEPENDENT CONTRACTORS**

Reps. Gary L. Daniels, Robert E. Clegg, Jr., and Edgar H. Mears, appointed by the Speaker of the House of Representatives.

Sens. Rick A. Trombly and Mary E. Brown, appointed by the President of the Senate.

**SB 42 (Chapter 95:2, Laws of 1999) – SAFETY IMPROVEMENTS AT THE US ROUTE 1 TRAFFIC CIRCLE IN THE CITY OF PORTSMOUTH STUDY**

Sens. Burton J. Cohen (District 24) and Caroline McCarley, appointed by the President of the Senate.

Reps. Leon Calawa, Jr., Winston H. McCarty and Elizabeth C. Shultis, appointed by the Speaker of the House of Representatives.

**SB 60 (Chapter 96:2, Laws of 1999) – LICENSURE OF RADIOGRAPHERS AND RADIOLOGIC TECHNOLOGISTS STUDY**

Sens. Katherine W. Wheeler, James W. Squires and Patricia Krueger, appointed by the President of the Senate.

Reps. Maurice E. Goulet, Nancy C. Stickney and Carolyn A. Virtue, appointed by the Speaker of the House of Representatives.

**SB 65 (Chapter 29:2, Laws of 1999) – FIELD ACTIVITIES CONDUCTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATIVE TO CHILDREN, YOUTH AND FAMILIES STUDY**

Sens. Katherine W. Wheeler, Caroline McCarley and Edward M. Gordon, appointed by the President of the Senate.

Reps. Thomas I. Arnold, Jr., Karen K. Hutchinson and Anne C. Grassie, appointed by the Speaker of the House of Representatives.

**SB 75 (Chapter 97:1, Laws of 1999) – ESTABLISHMENT OF A PERMIT SYSTEM FOR VESSELS REGISTERED IN ANOTHER STATE TEMPORARILY USING THE WATERS OF NEW HAMPSHIRE STUDY**

Sens. Carl R. Johnson, Burton J. Cohen and Leo W. Fraser, Jr., appointed by the President of the Senate.

Reps. Gordon E. Bartlett, Thomas J. Boriso and Peter R. Cote, appointed by the Speaker of the House of Representatives.

**SB 124 (Chapter 319:2, Laws of 1999) – INTEGRATION OF TECHNOLOGY AT THE STATE, COUNTY AND MUNICIPAL LEVELS STUDY**

Sens. Clifton C. Below, George F. Disnard, Sheila Roberge, Gary R. Francoeur and Rick A. Trombly, appointed by the President of the Senate.

Reps. Lawrence J. Guay (Science), Harold V. Lynde, Raymond Buckley (Election Law), Sylvia A. Holley and Ralph L. Akins (Municipal), appointed by the Speaker of the House of Representatives.

**SB 130 (Chapter 30:2, Laws of 1999) – PROCEDURES AND STANDARDS FOR SELECTION AND SUPERVISION OF COURT-APPOINTED GUARDIANS AD LITEM STUDY**

Sens. Rick A. Trombly, John A. King and Edward M. Gordon, appointed by the President of the Senate.

Reps. Patricia A. Dowling, L. Randy Lyman and Ruth Ginsburg, appointed by the Speaker of the House of Representatives.

**SB 160 (Chapter 78:2, Laws of 1999) – IDENTIFYING OR ESTABLISHING THE DUTIES OF THE FISH AND GAME COMMISSION STUDY**

Sens. George F. Disnard, Rick A. Trombly and Patricia Krueger, appointed by the President of the Senate.

Reps. Betsy McKinney (Wildlife), Donald Carlson and Michael J. Blaisdell, appointed by the Speaker of the House of Representatives.

**SB 163 (Chapter 322:2, Laws of 1999) – REDUCING VIOLENT INCIDENTS INVOLVING CHILDREN AND GUNS STUDY**

Sens. Burton J. Cohen (Judiciary) and Rick A. Trombly (Judiciary), appointed by the President of the Senate.

Reps. David A. Welch (Criminal Justice) and Everett A. Weare (Criminal Justice), appointed by the Speaker of the House of Representatives.

John Stephen, designee of the Commissioner of the Department of Safety.

Gary Guzoukas, designee of the Commissioner of the Department of Education.

Gale Dean, designee of the Attorney General.

The President of the New Hampshire County Attorneys' Association, or designee.

Patrick Kelly, Lancaster; Otto Fredericks, Warner; Raymond Gamble, Newton; Richard Plichta, Manchester; and Lorraine Menard, New Boston, representatives of sportsman's clubs from each executive councilor district, appointed by the Governor.

The President of Gun Owners of New Hampshire, or designee.

A representative of the Injury Prevention Center at Dartmouth-Hitchcock Medical Center.

Grace Reisdorf, Derry, President of the New Hampshire School Boards Association.

A representative from the New Hampshire School Administrators Association.

A representative from the New Hampshire Association of School Principals.

A representative from the New Hampshire Congress of Parents and Teachers, Inc.

A pediatrician from the New Hampshire Medical Society.

A representative from the New Hampshire Firearms Safety Coalition.

A representative from New Hampshire Cease Fire.

A high school student from each of the 5 regions of the New Hampshire School Administrators Association, selected by the chairperson of that region.

A representative from New Hampshire Educators for Social Responsibility.

Greg Ritz, a representative of a firearms manufacturer, appointed by the Governor.

Henry Rodeschin, a federally licensed firearm dealer, appointed by the Governor.

Mark Ciocca, Geoff Barnett and Sister Maximilian Cote, mental health practitioners specializing in child and adolescent mental health, Jane Cosmo, a representative of the New Hampshire Council of Churches, and Dr. Robert Lister a general public member, all to be appointed by the Governor.

#### **SB 180 (Chapter 83:2, Laws of 1999) – IMPROVEMENT OF EMPLOYMENT OPPORTUNITIES IN NEW HAMPSHIRE FOR PERSONS WITH DISABILITIES**

Sens. Rick A. Trombly, John A. King and Mary E. Brown, appointed by the President of the Senate.

Reps. Russell D. Bridle, Jane P. Kelley and Nancy C. Wall, appointed by the Speaker of the House of Representatives.

#### **SB 209 (Chapter 329:2, Laws of 1999) – SUPERIOR COURT JUSTICES STUDY**

Sens. Edward M. Gordon (Judiciary), Rick A. Trombly (Judiciary) and Mark D. Fernald (Judiciary), appointed by the President of the Senate.

Reps. Robert H. Rowe (Judiciary), Phyllis L. Woods (Judiciary) and Janet G. Wall (Judiciary), appointed by the Speaker of the House of Representatives.

### **STATUTORY COMMITTEES**

#### **RSA 126-A:17 (repealed and reenacted by HB 438, Chapter 184, Laws of 1999) – ADVISORY COUNCIL ON CHILD CARE**

Rep. Lionel W. Johnson, appointed by the Speaker of the House of Representatives.

Sen. Debora B. Pignatelli, appointed by the President of the Senate.

The President of the New Hampshire Child Care Association, or designee.

Beverly Lynch, Brookline, designee of the President of the New Hampshire Family Child Care Association.

Cynthia Billings, Chichester, appointed by Plus Time NH.

The President of the New Hampshire Child Care Resource and Referral Network, or designee.

The President of the New Hampshire Association for the Education of Young Children, or designee.

Dr. Selma Deitch, Manchester, designee of the President of the New Hampshire American Academy of Pediatrics.

The Chair of the New Hampshire Head Start Directors Association, or designee.

One individual representing the concerns of the business community relative to child care services, appointed by the Business and Industry Association.

Three individuals who are consumers of child care services, appointed by the Governor. To the extent possible, economic, cultural, and geographical diversity shall be maintained among these at-large appointees, with one residing in a city, one residing in a town with a population in excess of 5,000 persons, and one residing in a town with fewer than 5,000 persons. One consumer appointee shall have a child with a disability who attends a child care program.

Professor Susan Morison, Concord, appointed by the Commissioner of the New Hampshire Regional Community-Technical College System.

One representative of the University System of New Hampshire whose area of expertise is early childhood education, appointed by the Chancellor of the University System of New Hampshire.

Katherine Rannie, Concord, appointed by the Commissioner of Education. The representative shall have nonvoting status for votes pertaining to the Department of Education matters.

**RSA 126-M:3 (established by SB 223, Chapter 276:1, Laws of 1999) – WELLNESS AND PRIMARY PREVENTION COUNCIL**

Dr. Wendy Gladstone, Exeter (Medical Provider), Dr. Robert Chamberlin, Canterbury (Medical Provider), Chris Averill, Concord (Service Provider) and Barbara Newsom, Holderness, appointed by the Governor.

Rep. Barbara C. French, appointed by the Speaker of the House of Representatives.

Sen. Katherine W. Wheeler, appointed by the Senate President.

Rod Hall, Plymouth (Parent), Doris Bell, Concord (Parent), Cathy McDowell, Gorham (Family Resource Center) and Joanne Lamprey, North Hampton, appointed by the Governor. The Commissioner of Health and Human Services, or designee.

The Commissioner of the Department of Education, or designee.

The Administrative Judge of the District Court, or designee.

The Attorney General, or designee.

Raymond Coward, Durham, representative of the Governor's Kids' Cabinet, appointed by the Governor.

Two members representing county government, one of whom shall be a human services administrator, appointed by the New Hampshire Association of Counties.

**RSA 198:49 (established by HB 117, Chapter 17:41, Laws of 1999) – ADEQUATE EDUCATION AND EDUCATION FINANCING COMMISSION**

Reps. Neal M. Kurk, David W. Hess, Jane O'Hearn, Robert E. Clegg, Jr. and Iris W. Estabrook, appointed by the Speaker of the House of Representatives.

Sens. Caroline McCarley, George F. Disnard, Lou D'Allesandro, Sylvia B. Larsen and James W. Squires, appointed by the Senate President.

**ADVISORY COMMITTEE TO THE COMMISSION**

Four members appointed by the Governor, one of whom shall be an elementary or secondary special education teacher, one of whom shall be a primary teacher who does not teach special education, and one of whom shall be a member of the business community.

The Chancellor of the University System of New Hampshire or designee.

The Commissioner of the Regional Community-Technical College System, or designee.

One member from the State Board of Education, appointed by the Chairperson of the State Board of Education.

Eight members who shall be agreed to and jointly appointed by the Governor, the President of the Senate, and the Speaker of the House consisting of the following:

One local school board member, with the advice of the New Hampshire School Boards Association.

One school administrator, with the advice of the New Hampshire School Administrators Association.

One special education administrator at the elementary or secondary school level, with the advice of the New Hampshire Association of Special Education Administrators.

Two parents of school-age children, one of whom shall be the parent of a child with an educational disability.

One member from the business community, who shall be associated with a School Initiative program.

One school business official, with the advice of the New Hampshire Association of School Business Officials.

One member from a special education advocacy organization.

**RSA 201-A:27 (established by HB 670, Chapter 238:1, Laws of 1999) – WEBSTER INTERNET SITE ADVISORY BOARD**

Rep. Sylvia A. Holley, appointed by the Speaker of the House of Representatives.

Sen. James W. Squires, appointed by the Senate President.



Hon. Larry M. Smukler, appointed by the Chief Justice of the Supreme Court.  
 Michael York, the State Librarian.  
 Thomas N. Towle, Director of Information Technology Management.  
 The State Archivist, or designee.  
 Mike Vlacich, Special Assistant for Policy, appointed by the Governor.  
 Jay Wood, Manchester, appointed by the Governor.

**RSA 273-A:9, V 9 (repealed and reenacted by HB 2, Chapter 225:15, Laws of 1999) – JOINT COMMITTEE ON EMPLOYEE RELATIONS**

Rep. Donna Sytek, Speaker of the House of Representatives.  
 Sen. Beverly A. Hollingworth, President of the Senate.  
 Sen. Burton J. Cohen, Majority Leader of the Senate.  
 Rep. Gene G. Chandler, Majority Leader of the House of Representatives.  
 Sen. Carl R. Johnson, Minority Leader of the Senate.  
 Rep. Peter H. Burling, Minority Leader of the House of Representatives.  
 Sen. Beverly A. Hollingworth, Senate Finance Committee Chairperson.  
 Rep. Neal M. Kurk, House of Representatives Finance Committee Chairperson.  
 Sen. Sylvia B. Larsen, Senate Capital Budget Committee Chairperson.  
 Rep. Edwin O. Smith, House of Representatives Public Works and Highways Committee Chairperson.  
 Sen. Clifton C. Below, Senate Ways and Means Committee Chairperson.  
 Rep. Franklin G. Torr, House of Representatives Finance Committee Vice Chairperson.  
 Rep. Gary L. Daniels, House of Representatives Labor, Industrial, and Rehabilitative Services Committee Chairperson.  
 Rep. Edgar H. Mears, House of Representatives Labor, Industrial, and Rehabilitative Services Committee ranking minority member.  
 Katherine W. Wheeler, Senate Insurance Committee Chairperson.  
 Senate Insurance Committee Vice Chairperson.

**Joint Committee on Employee Relations; Alternates:**

The President of the Senate may appoint one or more alternates to serve on the Joint Committee on Employee Relations in the event that a Senate member is unable to attend.

The Speaker of the House of Representatives may appoint one or more alternates to serve on the Joint Committee on Employee Relations in the event that a House member is unable to attend.

**RESIGNATIONS, DEATHS, SPECIAL ELECTIONS****RESIGNED**

9/1/99	Merr. 2	Crowell, Peter O., r
9/1/99	Rock. 12	Dolan, Richard E., r

**DECEASED**

2/21/99	Coos 7	St. Hilaire, Paul E., r
11/8/99	Belk. 5	Golden, Paul A., r
11/19/99	Carr. 7	MacDonald, Kenneth J., r

**ELECTED, SWORN LATE**

01/06/99	Graf. 02	Marshall, Gene B., r
01/06/99	Hills. 43	Haley, Robert J., d
01/06/99	Merr. 13	Whittemore, James A., r
01/07/99	Rock. 20	Weatherspoon, Jackie K., d
01/20/99	Hills. 19	Carlson, Donald, r
03/16/99	Hills. 23	Searles, Stanley N., Sr., r

**SPECIAL ELECTIONS****Took oath:**

03/16/99	Carr. 2	Sullivan, P. Judith, r
11/10/99	Coos 7	Gallus, John T., r
12/15/99	Rock 12	Kelley, William J., r
12/15/99	Merr 2	Rosenfield, Jay, d

**NAME CHANGE**

12/1/98	Hills. 34	Piteri, Dawn C. to Nolan-Piteri, Dawn C., r
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**PARTY BREAKDOWN ON THE 400 SEATS**

Republicans:	231 R.	11 R&D	=	242
Democrats:	148 D.	7 D&R	=	155
Independent:		1 I&D	=	1
Currently elected and qualified:			=	398
Vacancies: Resignations 0, Deaths 2			=	2
Total Seats			=	400
Men: 271, Women: 127				

# TABLE OF REFERENCES

## FROM CHAPTER OF 1999 LAWS TO BILL NUMBERS

Chapter	Bill Number	Chapter	Bill Number	Chapter	Bill Number
1	HB 100-FN-L	51	HB 530	101	SB 152-L
2	HB 111-L	52	HB 556-FN	102	SB 155
3	HB 234-FN-A	53	HB 557-FN	103	SB 161-L
4	HB 344-L	54	HB 558-FN	104	HJR 3
5	HB 284-L	55	HB 592	105	SB 80
6	HB 54	56	HB 620-FN	106	HB 68
7	HB 93	57	HB 634-FN	107	HB 488
8	HB 248	58	HB 638-FN	108	HB 552
9	HB 734-FN-L	59	HB 671	109	HB 593-FN-L
10	HB 73	60	HB 686-FN	110	HB 619-FN
11	HB 227	61	HB 710-FN	111	SB 165
12	HB 253	62	SB 17	112	SB 215
13	HB 244	63	SB 41	113	HB 573
14	HB 249	64	SB 91	114	HB 624-FN
15	HB 250	65	HB 300	115	SB 13
16	HB 80	66	HB 79	116	SB 21
17	HB 117-FN-A-L	67	HB 292	117	SB 22
18	HB 90	68	HB 442	118	SB 64
19	HB 207-FN-A	69	HB 513	119	SB 77
20	HB 218-L	70	HB 426	120	HB 374
21	HB 229	71	HB 340	121	HB 441
22	HB 238-FN-A	72	HB 258	122	HB 55-FN-A
23	HB 288	73	HB 651	123	HB 61
24	HB 307	74	HB 583	124	HB 278
25	HB 355	75	SB 38	125	HB 362
26	HB 418	76	SB 56	126	HB 388
27	HB 490	77	SB 109	127	HB 477-FN
28	HB 520	78	SB 160	128	HB 494-FN-A
29	SB 65	79	SB 138	129	HB 538
30	SB 130	80	HB 240	130	HB 554
31	HB 78	81	HB 672-FN-A-L	131	HB 318
32	HB 203	82	SB 18	132	HB 205
33	HB 210	83	SB 180	133	HB 67
34	HB 268-L	84	HB 60	134	HB 487
35	HB 327-L	85	HB 206	135	HB 532
36	HB 365	86	HB 261-L	136	HB 744
37	HB 447	87	HB 306	137	HB 412-FN
38	SB 19	88	HB 322	138	HJR 9
39	SB 119	89	HB 357	139	HB 204-FN
40	HB 58	90	HB 373	140	HB 262-L
41	HB 92	91	HB 420	141	HB 345-FN
42	HB 214	92	HB 535	142	HB 431
43	HB 230	93	HB 736	143	HB 444
44	HB 302	94	SB 14	144	HB 456
45	HB 358	95	SB 42-L	145	HB 541
46	HB 383	96	SB 60	146	HB 727-FN
47	HB 402	97	SB 75	147	SJR 1
48	HB 403	98	SB 81	148	SB 16
49	HB 435	99	SB 117	149	SB 24
50	HB 515	100	SB 139	150	SB 25

<b>Chapter</b>	<b>Bill Number</b>	<b>Chapter</b>	<b>Bill Number</b>	<b>Chapter</b>	<b>Bill Number</b>
151	SB 26	205	HB 473	259	HB 559-FN-A
152	SB 59-L	206	HB 485-FN	260	HB 608-FN-A
153	SB 111	207	HB 486-FN-A	261	HB 652-FN
154	SB 141	208	HB 546-FN-A	262	HB 664
155	HB 82	209	HB 574-FN-A	263	HB 685-FN-A
156	HB 524	210	HB 606-FN	264	HB 689-FN
157	HB 566	211	HB 675-FN	265	HB 698-FN-L
158	HB 714-FN	212	HB 688	266	HB 719-FN
159	HB 1-A	213	HB 720-FN	267	HB 738-FN
160	HB 215	214	HB 742	268	HB 741
161	HB 399	215	SB 107	269	SB 27
162	HB 745-L	216	SB 110	270	SB 62-FN-A-L
163	HB 596	217	SB 112	271	SB 102
164	HB 495-FN-A	218	SB 118	272	SB 177
165	HB 88-FN	219	SB 150	273	SB 182-FN
166	HB 236-FN-L	220	SB 159	274	SB 187-FN-L
167	HB 274-FN	221	SB 164	275	SB 195-FN-A
168	HB 325	222	SB 168	276	SB 223-FN-A
169	HB 443	223	SB 220-FN	277	SB 227-FN
170	HB 469	224	SB 230	278	HB 468
171	HB 519-L	225	HB 2-FN-A	279	HB 69
172	HB 561-FN	226	HB 25-FN-A	280	HB 89-FN-A
173	HB 586	227	HB 94	281	HB 265
174	HB 604	228	HB 213	282	HB 291
175	HB 609	229	HB 216	283	HB 331
176	HB 667	230	HB 272-FN	284	HB 333
177	HB 706	231	HB 367	285	HB 395-FN-A
178	SB 45-FN-A	232	HB 410	286	HB 408
179	SB 74	233	HB 451	287	HB 428
180	SB 129-L	234	HB 492-FN-A-L	288	HB 463-L
181	SB 173-FN	235	HB 545-FN	289	HB 464
182	SB 193-FN	236	HB 626-FN	290	HB 491
183	HB 112-FN-A	237	HB 650-FN-A	291	HB 525-FN
184	HB 438	238	HB 670	292	HB 562
185	HB 726-FN	239	HB 687-FN	293	HB 563
186	HJR 2	240	HB 722-FN	294	HB 576-FN-A
187	HJR 7	241	HB 739	295	HB 584-FN
188	HJR 8	242	SB 12-FN-A	296	HB 601
189	HB 56	243	SB 20	297	HB 616-FN-A
190	HB 66-FN	244	SB 32	298	HB 653-FN-A
191	HB 225	245	SB 37-FN	299	HB 658
192	HB 231	246	SB 53-FN	300	HB 665
193	HB 245-FN	247	SB 78	301	HB 666-FN-A-L
194	HB 263	248	SB 99	302	HB 676-FN-A
195	HB 270	249	SB 104	303	HB 684
196	HB 301	250	SB 131-FN-A	304	HB 709-FN-A-L
197	HB 313-FN	251	SB 172	305	HB 721-FN
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199	HB 356	253	SB 191	307	SB 28
200	HB 364	254	SB 192	308	SB 30
201	HB 379	255	SB 197-FN-A	309	SB 47-FN
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203	HB 414-FN	257	SB 217-FN	311	SB 67
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314	SB 83	327	SB 201-FN	340	HB 501-FN-A
315	SB 93	328	SB 204	341	HB 577
316	SB 105	329	SB 209-FN-L	342	HB 746
317	SB 113	330	SB 214-FN	343	HB 649-FN
318	SB 114	331	SB 224	344	HB 704-FN-A
319	SB 124	332	HJR 10	345	HB 643-FN-A-L
320	SB 140	333	HB 669-FN	346	HB 572-FN-A
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322	SB 163	335	HB 363-FN	348	HB 346-FN-A
323	SB 167	336	HB 537	349	HB 615-FN-A
324	SB 183-FN-A	337	HB 645-FN	350	HB 625-FN-A
325	SB 189-FN	338	HB 999-FN-A-L		

**1999**  
**HOUSE JOURNAL**  
**NUMERICAL INDEX**

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HA	House Address
HB	House Bills
HJR	House Joint Resolutions
HCR	House Concurrent Resolutions
HR	House Resolutions
SB	Senate Bills
SCR	Senate Concurrent Resolutions
CACR	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately following this NUMERICAL Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
Criminal Justice	referred to Criminal Justice and Public Safety committee
enr	enrolled
Exec Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
Finance	referred to Finance Committee
intro	introduced, introduction
IP	indefinitely postponed
K	killed (Inexpedient to Legislate)
(K)	final action in 2 <sup>nd</sup> body
LT	Laid on the table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
wthd	withdrawn

**1999 SESSION**  
**HOUSE ADDRESS**

**HA 1**, for the removal of David A. Brock, chief justice of the New Hampshire supreme court, from his said office. (Mirski, Graf 12; et al: Joint Committee on Address)  
65, Ought Not to Pass (RC) 1127-1130

**1999 SESSION**  
**HOUSE BILLS**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000 and June 30, 2001. (Kurk, Hills 5: Finance)  
139, rules suspended, am (2 RCs), protest, and recon rej 926-934, psd 980, S conc 1040, enr 1041 (Chapter 159)

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Kurk, Hills 5: Finance)  
295, LT 934-950, LT (3 RCs) 1022-1039, am (5 RCs) 1065-1096, psd & S conc 1113, enr 1154, appointments 1227, 1235 (Chapter 225)

**HB 3-24**, not introduced

**HB 25-A**, making appropriations for capital improvements. (E. Smith, Ches 6: Public Works and Highways)  
134, am & Finance 618-626, am (RC) 998-1008, psd 1043, nonconc S am, conf 1044, 1115, 1119, rules suspended 1112, rep adop 1131, enr am 1152-1153, enr 1158 (Chapter 226)

**HBs 26-50**, not introduced

**HB 51**, providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets and food to adopt rules relative to standards for such equipment. (Melcher, Hills 11; et al: Environment and Agriculture)  
28, Com 317

**HB 52**, exempting certain currants and gooseberries resistant to the white pine blister rust organism from restrictions on planting in control areas. (Melcher, Hills 11; et al: Environment and Agriculture)  
28, Com 218

**HB 53**, establishing a process for reviewing judges. (Hunter, Hills 7; et al: Judiciary)  
28, Com 220

**HB 54**, allowing simultaneous service of a demand for rent and a notice to quit. (Rowe, Hills 14: Judiciary)  
28, psd 52, 56, S conc 215, enr 259 (Chapter 6)

**HB 55-FN-A**, setting the rate for the medicaid enhancement tax for the biennium ending June 30, 2001. (Weyler, Rock 18: Finance)  
28, am 534, psd 546, S conc 822, enr 824 (Chapter 122)

**HB 56**, establishing a procedure for reinstating corporate charters that have been expired for more than 3 years. (Hunt, Ches 10: Commerce)

**new title**: establishing a procedure for reinstating corporations that have been administratively dissolved for more than 3 years.

28, psd 262, 296, conc S am 860, enr am 1044-1045, enr 1049 (Chapter 189)

**HB 57**, relative to visiting traps. (Mock, Carr 3; et al: Wildlife and Marine Resources)  
28, K 76

**HB 58**, establishing a committee to study open adoption in New Hampshire. (Allison, Sull 10; et al: Children and Family Law)  
28, psd 104, 132, S conc 547, enr 645, appointments 1227 (Chapter 40)

**HB 59-FN**, relative to upgrading a portion of U.S. Route 3. (Merrill, Coos 1; et al: Public Works and Highways)  
28, K 75

- HB 60**, relative to meetings of the ballot law commission. (Flanagan, Rock 14: Election Law)  
28, psd 74, 95, S conc 745, enr 823 (Chapter 84)
- HB 61**, relative to political contributions by members of the ballot law commission. (Flanagan, Rock 14: Election Law)  
28, psd 364, 423, S conc 822, enr 824 (Chapter 123)
- HB 62-L**, relative to the definition of an abutter for planning and zoning notification purposes. (Babson, Carr 5: Municipal and County Government)  
28, K 74
- HB 63-FN-A**, relative to the Weekly Market Bulletin's budget and making an appropriation therefor. (Babson, Carr 5: Environment and Agriculture)  
28, Finance 235, rem 356, K 419
- HB 64**, relative to changes of registration for undeclared voters. (Keans, Straf 16; et al: Election Law)  
28, psd (RC) 275-278, 296, S nonconc 1048
- HB 65**, relative to dates of meetings for local political subdivisions which have adopted the official ballot. (Langer, Merr 11; et al: Municipal and County Government)  
28, K 269
- HB 66-FN**, relative to disability retirement benefits for retirement system members permanently incapacitated for duty. (Dyer, Hills 8; et al: Executive Departments and Administration)  
28, am & Finance 432-433, psd 558, 643, S conc 903, enr 1049 (Chapter 190)
- HB 67**, relative to termination of parental rights upon a finding of either child abuse or the commission of certain criminal offenses. (I. Pratt, Ches 5; et al: Children and Family Law)  
**new title:** relative to termination of parental rights upon a finding of child abuse.  
28, am 227-229, psd 259, nonconc S am, conf 551, 646, rep adop 861, enr 904 (Chapter 133)
- HB 68**, adding the name of Martin Luther King, Jr. to Civil Rights Day. (Pantelakos, Rock 30; et al: Executive Departments and Administration)  
28, psd (RC), protests & remarks 760-773, 821, S conc 822, enr 824, remarks 857 (Chapter 106)
- HB 69**, relative to overtime pay for hourly employees. (Clegg, Hills 23: Labor, Industrial and Rehabilitative Services)  
**new title:** relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees.  
**2<sup>nd</sup> new title:** relative to the definition of employee under certain labor laws.  
28, am 380-382, psd 423, nonconc S am, conf 905, 1049, rep adop 1130, enr am 1154, enr 1159 (Chapter 279)
- HB 70**, relative to increasing the fines for violating the child passenger restraint law. (Cloutier, Sull 8; et al: Transportation)  
28, K 328
- HB 71-FN-L**, relative to authorizing agreements for the determination of each municipality's share of county costs. (Leone, Sull 2; et al: Municipal and County Government)  
28, Com 74
- HB 72**, relative to the seasons for fishing on certain large lakes. (Dickinson, Carr 2; et al: Wildlife and Marine Resources)  
29, K 52
- HB 73**, extending the reporting date of the commission to study the effects of and jurisdiction over alternative agricultural products. (R. Nowe, Rock 3; et al: Wildlife and Marine Resources)  
29, psd 76, 95, S conc 313, enr 353 (Chapter 10)
- HB 74**, relative to absentee voter lists. (Flanagan, Rock 14: Election Law)  
29, K 89
- HB 75**, changing the number required for a quorum on the commission for human rights. (L. Jean, Hills 17: Executive Departments and Administration)  
29, psd 52, 56, S Com 1145



- HB 76**, relative to voter checkout and depositing ballots. (Arnold, Hills 20: Election Law)  
29, K 89
- HB 77**, relative to the Melendy Pond Authority of Brookline, New Hampshire. (Arnold, Hills 20; et al: Municipal and County Government)  
29, K 75
- HB 78**, relative to candidates for office who are also moderators or town clerks. (Arnold, Hills 20: Election Law)  
**new title:** relative to the counting of votes when the moderator is disqualified.  
29, am 217-218, psd 258, S conc & enr 547 (Chapter 31)
- HB 79**, relative to reports of shortages to the bank commissioner and to safe deposit box openings. (K. Herman, Hills 13: Commerce)  
**new title:** relative to reports to the bank commissioner and to safe deposit box openings.  
29, am 141, psd 212, S conc 439, enr am 544, 549, enr 745 (Chapter 66)
- HB 80**, making technical corrections in the banking laws. (T. Reardon, Merr 23; et al: Commerce)  
29, am 141-142, psd 212, S conc 439, enr 441 (Chapter 16)
- HB 81**, establishing a committee to study the structure of the school administrative unit system in New Hampshire. (Hunter, Hills 7; et al: Education)  
29, K 73
- HB 82**, establishing a committee to study financial arrangements among hospitals, physicians, and insurance companies. (K. Herman, Hills 13; Francoeur, Rock 22: Commerce)  
**new title:** establishing a committee to study financial arrangements among hospitals, health care providers, and insurance companies.  
29, psd 263, 296, conc S am 860, enr 982, appointments 1227 (Chapter 155)
- HB 83**, prohibiting owners and operators of manufactured housing parks from charging residents 65 years of age and older fees for keeping dogs. (Doucette, Ches 19; et al: Commerce)  
29, K 142
- HB 84-FN**, requiring a one year mandatory prison sentence for a third driving while intoxicated conviction. (Dolan, Rock 12; et al: Criminal Justice and Public Safety)  
**new title:** establishing a committee to study the penalties for driving under the influence of intoxicating liquor or controlled drugs in the state, and the education and treatment services available to offenders.  
29, am & Finance (RC) 314-317, am 920-921, psd 980, S conc 1162, enr am & enr 1168-1169, appointments 1227 (Chapter 334)
- HB 85**, relative to statements of financial interests for certain board and commission members. (Beaulieu, Rock 11; et al: Executive Departments and Administration)  
29, K 219
- HB 86-A**, making a capital appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin. (Whittemore, Merr 13; et al: Public Works and Highways)  
29, Com 75-76
- HB 87-FN**, relative to penalties for marijuana possession. (Robertson, Ches 18; et al: Criminal Justice and Public Safety)  
29, K & IP(2 RCs) 391-396
- HB 88-FN**, relative to purchasing credit for prior service for certain employees in the New Hampshire retirement system. (Thulander, Hills 6: Executive Departments and Administration)  
29, Finance 365, psd 610, 644, S conc 903, enr 1046 (Chapter 165)
- HB 89-FN-A**, making an appropriation for a department of transportation study of the state house complex to evaluate space needs. (Calawa, Hills 17; et al: Public Works and Highways)  
**new title:** making an appropriation for a department of transportation study of the state house complex's needs, and naming the newly constructed state highway bridge on Route 135 between the towns of Haverhill and Bath in honor of Raymond S. Burton.  
29, Finance 253, am 610, psd 644, conc S am 1120, enr 1159 (Chapter 280)

- HB 90**, removing the prohibition on adoption and foster parenting by homosexual persons. (Buckley, Hills 44; et al: Children and Family Law)  
29, psd (2 RCs) 229-234, 259, S conc 510, enr 511 (Chapter 18)
- HB 91-FN-A-L**, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected. (Rubin, Rock 25: Finance)  
29, K 318
- HB 92**, exempting permanently disabled veterans from the requirement of reestablishing their disability status for the division of motor vehicles every 4 years to prove eligibility for special license plates. (Franks, Hills 26: Transportation)  
29, am 108, psd 132, S conc 440, enr am 545, enr 550 (Chapter 41)
- HB 93**, permitting a dam to be constructed on Rand Pond in Goshen. (Tuthill, Sull 5; et al: Resources, Recreation and Development)  
29, psd 76, 95, S conc 279, enr 298 (Chapter 7)
- HB 94**, relative to enforcement of the child passenger restraint law. (Pilliod, Belk 3; et al: Transportation)  
29, psd (RC) 129-132, 133, recon & rcmt 214, am 437, psd 438, S conc 1048, enr am 1118, enr 1154 (Chapter 227)
- HB 95-L**, relative to the establishment of educational programs for academically gifted pupils. (Baroody, Hills 42: Education)  
29, K 73
- HB 96**, establishing an age limit for appointment of retired justices to serve as temporary supreme court justices. (Mirski, Graf 12: Judiciary)  
29, K 74
- HB 97**, establishing a right to farm act. (McRae, Hills 7: Environment and Agriculture)  
**new title:** relative to the right to farm.  
29, am 600-601, psd 644, S Com 1114
- HB 98-FN**, relative to a master plan for Monadnock state park and its environs. Pisgah state park, and Pillsbury state reservation. (Royce, Ches 9; et al: Resources, Recreation and Development)  
30, K 106
- HB 99**, relative to granting to the county convention the authority to fill vacancies in elected county offices and to remove county officers for official misconduct. (Mirski, Graf 12: Municipal and County Government)  
30, K 305
- HB 100-FN-L**, adopting certain interim provisions as a result of the Claremont decision to enable municipalities to continue to fund education. (Chandler, Carr 1; et al)  
intro, rules suspended & psd 23-24, S conc & enr 32 (Chapter 1)
- HB 101**, establishing an educational commission to ensure the right of each child to an equal and adequate education. (DiFruscia, Rock 27; et al: Education)  
40, rem 73, K 92
- HB 102-FN**, establishing a dedicated education trust fund. (Young, Sull 6: Finance)  
40, K 52
- HB 103-L**, repealing the annual school tax rate to be assessed for the support of the public schools. (Mirski, Graf 12; et al: Finance)  
40, K (RC) 52-55
- HB 104**, relative to the first property tax bill of 1999. (Wendelboe, Belk 2: Finance)  
40, K 55
- HB 105**, requiring legislative review and reauthorization of any state broad-based tax every 2 years. (Wendelboe, Belk 2: Finance)  
40, K 77

- HB 106-L**, replacing temporarily the rate of the annual school tax with a rate to be set by the commissioner of the department of revenue administration and repealing the provision of the tobacco tax chapter that prohibits a direct state tax as long as the tobacco tax is in effect. (Sapareto, Rock 13; et al: Finance)  
42, K 77
- HB 107-FN-A**, establishing a tax review and adjustment study commission and making an appropriation therefor. (Leber, Merr 1: Finance) \*  
42, Com 77-78
- HB 108-FN-A-L**, establishing a statewide education property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor. (Sapareto, Rock 13; et al: Finance)  
43, rcmt (RC) 108-111, K (RC) 151-154, recon rej 255
- HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor. (Hager, Merr 18; et al: Finance)  
43, LT (RC) 111-114, psd & protest (4 RCs) 197-209, recon rej (RC) 209-212, psd 213, nonconc S am (RC) 298-301, (S recon & am) nonconc S am (2 RCs) 1162-1168, S LT, Clerk's note 1214, 1226 (S Com)
- HB 110-FN-L**, authorizing each town and city to determine its methods of raising revenue to fulfill its obligation to fund public elementary and secondary education. (Mirski, Graf 12; et al: Finance)  
43, K (RC) 78-81
- HB 111-L**, relative to the validity and enforceability of certain obligations and indebtedness of municipalities. (Chandler, Carr 1; et al: Finance)  
**new title:** relative to the validity and enforceability of certain obligations and indebtedness of municipalities and allowing school districts and towns to hold special meetings to address issues raised by resolution of the Claremont lawsuit.  
44, am 55, psd 56, S conc 59, enr 62 (Chapter 2)
- HB 112-FN-A**, increasing the cigarette tax. (Buckley, Hills 44; et al: Finance)  
**new title:** increasing the tobacco tax and imposing the tax on all types of tobacco products.  
**2<sup>nd</sup> new title:** increasing the tobacco tax and dedicating a portion of tobacco tax revenues to tobacco use prevention and cessation programs and establishing a tobacco use prevention advisory committee.  
**3<sup>rd</sup> new title:** increasing the tobacco tax and dedicating a portion of tobacco settlement funds to a tobacco use prevention fund.  
45, am (2 RCs) 115-120, recon rej 132, psd 133, nonconc S am (RC) 349-352, (S recon & am) rules suspended 1112, nonconc S am, conf 1118, rep adop (RC) 1131-1133, enr am & enr 1151 (Chapter 183)
- HB 113**, affirming sovereign immunity as it relates to the *Claremont* ruling. (Alger, Graf 9; et al: Finance)  
45, am (RC ) 120-124, psd 133, S Com 1049
- HB 114-FN-A-L**, establishing a local property tax education homestead allowance against school taxes on residential real estate, establishing a fund to reimburse municipalities for such exemptions, and making an appropriation therefor. (Boyce, Belk 5; et al: Finance)  
46, SO 81, rcmt 124, K (2 RCs) 154-160
- HB 115-FN-L**, relative to an interim plan authorizing an annual tax for the support of a minimally adequate education and making an appropriation therefor. (V. Clark, Rock 17: Finance)  
46, K 81
- HB 116-FN-A-L**, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor. (Peterson, Hills 8; et al: Finance)  
46, rcmt (RC) 124-127, LT (RC) 160-163, Clerk's note 1214, 1226

- HB 117-FN-A-L**, relative to local property taxation and state aid to support an adequate public education and making an appropriation therefor. (Hess, Merr 11: Finance)  
**new title:** establishing a uniform education property tax to provided funding for an adequate public education and making an appropriation therefor.  
**2<sup>nd</sup> new title:** establishing a uniform education property tax and a utility property tax, increasing the business profit and real estate transfer taxes, and including other sources of revenue to provide funding for an adequate public education and making an appropriation therefor.  
**3<sup>rd</sup> new title:** relative to state taxes and other sources of revenue for funding an adequate education; relative to establishing the cost of an adequate education, and relative to creating a commission to study the methodology used in establishing the cost of an adequate education and a tax equity and efficiency commission, and making appropriations therefor.  
 46, rcmt 127-129, clerk's note, am, LT & protest (5 RCs) 163-197, am, recon rej, rules suspended, psd & protests (4 RCs) 442-473, nonconc S am, conf 498, 507, rep adop (RC), remarks, protests & recon rej 538-544, enr 546, appointments 1227, 1234 (Chapter 17)
- HB 118-FN-A-L**, dedicating revenues resulting from future increases in the meals and rooms tax for purposes of funding public education. (Chabot, Hills 48; et al: Finance)  
 46, K 81
- HB 119-FN-A**, establishing a 3 percent sales tax. (Whittemore, Merr 13: Finance)  
 46, K 81
- HB 120-FN-A-L**, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor. (Jacobson, Merr 2: Finance)  
 46, K (RC) 82-84
- HB 121-FN-A-L**, relating to the funding of education through the establishment of video lotteries at racetracks and making an appropriation therefor. (Pantelakos, Rock 30; et al: Finance)  
 47, K & clerk's note 84-85
- HB 122-FN-A-L**, establishing a 3 percent personal income tax on income earned in New Hampshire to fund public education and making an appropriation therefor. (Bergeron, Hills 32: Finance)  
 47, K 85
- HB 123-FN-A-L**, establishing a statewide flat property tax as a source of funding for public education and making an appropriation therefor. (Vachon, Straf 4: Finance)  
 47, K 85
- HB 124-FN-A-L**, establishing a one percent personal income tax to fund public education and making an appropriation therefor. (W. McCarthy, Hills 41; et al: Finance)  
 47, K (RC) 85-88
- HB 125-FN-L**, implementing the findings and recommendations of the adequate education costs and municipal grant distribution commission for fiscal years 2000 and 2001. (Kurk, Hills 5; et al: Finance)  
 47, K 129
- HBs 126 – 199**, not introduced
- HB 200-FN-L**, relative to restructuring the juvenile justice system in New Hampshire. (Lozeau, Hills 30; et al: Children and Family Law)  
 353, Com 828
- HB 201**, relative to minimum uninsured motorist liability insurance. (Arnold, Hills 20: Commerce)  
 30, K 142
- HB 202**, legalizing the possession and cultivation of marijuana for medicinal purposes. (Robertson, Ches 18; et al: Criminal Justice and Public Safety)  
 30, Com 361
- HB 203**, making impaired boating laws consistent with driving while intoxicated laws. (Welch, Rock 18; et al: Criminal Justice and Public Safety)  
 30, psd 143, 212, S conc & enr 547 (Chapter 32)

- HB 204-FN**, relative to driving after license revocation or suspension. (Letourneau, Rock 13; et al: Criminal Justice and Public Safety)  
30, am 150, psd 213, conc S am 827, enr 902 (Chapter 139)
- HB 205**, relative to the requirement for posting of bond by an applicant for a writ of replevin. (Rowe, Hills 14: Commerce)  
30, am 263, psd 296, S conc 822, enr 858 (Chapter 132)
- HB 206**, relative to restrooms in restaurants. (Dickinson, Carr 2; et al: Health, Human Services and Elderly Affairs)  
30, rem 216, am 255-256, psd 259, conc S am 647, enr 823 (Chapter 85)
- HB 207-FN-A**, directing the office of state planning to conduct a study of the effects of sprawl in the state and making an appropriation therefor. (Brundige, Hills 18; et al: Municipal and County Government)  
30, psd 75, 95, conc S am 441, enr 511 (Chapter 19)
- HB 208-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to deter sprawl. (Melcher, Hills 11; et al: Municipal and County Government)  
30, psd 269, 296, nonconc S am 1145
- HB 209**, relative to authorizing the consideration of traditional village patterns in local zoning ordinances. (Melcher, Hills 11; et al: Municipal and County Government)  
30, Com 305
- HB 210**, reinstating the corporate charter of C. A. B. Real Estate, Inc. (Keans, Straf 16: Commerce)  
30, psd 142, 212, conc S am 511, enr 547 (Chapter 33)
- HB 211-FN-A-L**, relative to intergenerational homeshare programs and making an appropriation therefor. (Seldin, Merr 17; et al: Health, Human Services and Elderly Affairs)  
30, K 267
- HB 212**, relative to local ordinances or regulations affecting groundwater withdrawals. (Weyler, Rock 18; et al: Resources, Recreation and Development)  
30, Com 106
- HB 213**, relative to voting by prisoners. (Gile, Merr 16; et al: Election Law)  
30, am 147, psd 213, conc S am 1047, enr 1154 (Chapter 228)
- HB 214**, changing the membership of and extending the reporting date for the committee to study women's health care. (M. Fuller Clark, Rock 36; et al: Commerce)  
30, psd 142, 212, S conc 547, enr 550, appointments 1227 (Chapter 42)
- HB 215**, prohibiting name changes for certain felons. (R. McKinley, Straf 2; et al: Criminal Justice and Public Safety)  
**new title:** placing restrictions on name changes for certain felons.  
**2<sup>nd</sup> new title:** placing restrictions on name changes for certain felons and imposing a duty to notify certain law enforcement agencies when changes are made.  
30, am 143, psd 212, conc S am 827, enr am 902, enr 982 (Chapter 160)
- HB 216**, relative to release conditions pending trial for defendants in domestic violence, stalking, or protective order violation cases. (Knowles, Straf 11: Criminal Justice and Public Safety)  
30, am 552-553, psd 643, conc S am 1047, enr 1154 (Chapter 229)
- HB 217-L**, relative to conditions on net income for an elderly exemption from property taxes. (J. Pratt, Ches 2: Municipal and County Government)  
30, K 75
- HB 218-L**, reinstating the corporate charter of Approved Industries, Inc. (Holbrook, Belk 7: Commerce)  
30, psd 142, 212, S conc 440, enr 511 (Chapter 20)
- HB 219**, banning certain uses of artificial light to take wildlife. (Merrill, Coos 1; et al: Wildlife and Marine Resources)  
30, K 77

- HB 220-FN-L**, repealing the excavation tax and excavation activity tax. (Merrill, Coos 1; et al: Finance)  
30, K 558-559
- HB 221**, allowing milk products known to contain the genetically produced bovine somatotropin growth hormone to be so labeled. (Keans, Straf 16; et al: Commerce)  
31, K (RC) 271-274
- HB 222-L**, preempting local regulation of biosolids or sludge disposal by landfilling or landspreading. (Melcher, Hills 11; et al: Environment and Agriculture)  
31, K 401
- HB 223**, relative to waiver of filing fees and petitions for candidates for federal offices. (Clemons, Hills 31; et al: Election Law)  
31, psd 235, 259, S nonconc 645
- HB 224-FN-A**, changing the name of the division of fire safety to the division of fire and building safety; adding members to the state advisory board of fire control; establishing a joint committee on code enforcement; and appropriating funds for hiring mechanical inspectors in the division of fire and building safety. (Dyer, Hills 8; et al: Criminal Justice and Public Safety)  
**new title:** establishing a joint committee on code enforcement and appropriating funds for hiring fire investigators in the division of fire safety.  
**2<sup>nd</sup> new title:** establishing a joint committee on code enforcement.  
31, am & Finance 486-487, am 986, psd 1043, S conc 1162, enr am 1169, enr 1212 (Chapter 339)
- HB 225**, relative to the definitions of the terms “farm,” “agriculture,” and “farming.” (K. Marshall, Merr 4; et al: Environment and Agriculture)  
31, am 492-494, psd 508, S conc 982, enr 1151 (Chapter 191)
- HB 226-L**, establishing municipality bond payment schedules and percentages. (Fraser, Merr 21; et al: Municipal and County Government)  
31, Com 221
- HB 227**, establishing a committee to study the maintenance of voter checklists. (Arndt, Rock 27; et al: Election Law)  
31, psd 74, 95, S conc 354, enr 356, appointments 1228 (Chapter 11)
- HB 228**, clarifying permissible political expenditures. (Arndt, Rock 27; et al: Election Law)  
31, psd 74, 95, S Com 1049
- HB 229**, changing the registration fee requirement of the commercial feed law. (Melcher, Hills 11: Environment and Agriculture)  
31, psd 235, 259, S conc 510, enr 511 (Chapter 21)
- HB 230**, clarifying the waste reduction goals for the state of New Hampshire. (B. Hall, Hills 20; et al: Environment and Agriculture)  
31, psd 430, 438, S conc 547, enr am 549, enr 645 (Chapter 43)
- HB 231**, relative to approval of applications in the charter schools pilot program. (Belvin, Hills 14; et al: Education)  
31, psd 73, 95, S conc 1048, enr 1151 (Chapter 192)
- HB 232**, permitting town trustees to invest capital reserve funds in mutual funds. (Alukonis, Hills 23; et al: Municipal and County Government)  
31, K 269
- HB 233**, establishing a committee to study the price of prescription drugs. (Asplund, Merr 13; et al: Health, Human Services and Elderly Affairs)  
31, K 304
- HB 234-FN-A**, relative to state matching funds for Federal Emergency Management Agency disaster assistance grants, and making appropriations therefor. (Kurk, Hills 5; et al: Finance)  
39, psd 55-56, S conc 59, enr 62, (Chapter 3)
- HB 235-FN-A**, increasing the exemption amount under the interest and dividends tax. (Arnold, Hills 20; et al: Finance)  
40, rcmt (RC) 319-321, Com 1108

- HB 236-FN-L**, relative to felonious disarming of a law enforcement officer. (Pepino, Hills 40; et al: Criminal Justice and Public Safety)  
40, am 143-144, psd 213, S conc 903, enr 1046 (Chapter 166)
- HB 237-FN**, relative to the percentage of gross sales from each state aggregated in the tri-state lotto compact pool. (Alukonis, Hills 23; et al: Finance)  
40, K 303
- HB 238-FN-A**, allowing the production and sale of American ginseng in the state of New Hampshire and making an appropriation therefor. (Owen, Merr 6; et al: Environment and Agriculture)  
40, am 235, psd 259, S conc 510, enr 511 (Chapter 22)
- HB 239-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. (Owen, Merr 6; et al: Environment and Agriculture)  
40, am & rcmt (2 RCs) 235-244, SO 430, Com 494
- HB 240**, prohibiting the reintroduction of wolf populations to the state of New Hampshire. (Guay, Coos 6; et al: Wildlife and Marine Resources)  
**new title:** prohibiting the introduction of wolf populations to the state of New Hampshire.  
40, psd (RC) 89-92, 96, conc S am 551, enr 822 (Chapter 80)
- HB 241**, relative to party nominations in multi-seat districts. (Dickinson, Carr 2; et al: Election Law)  
40, K (RC) 597-600
- HB 242**, establishing a committee to study lost wages due to work-related injuries. (R. McKinley, Straf 2; et al: Labor, Industrial and Rehabilitative Services)  
41, K 677
- HB 243**, requiring legislative fiscal committee approval of university system tuition increases. (Mock, Carr 3; et al: Education)  
41, K 397
- HB 244**, relative to the corporate charter of the Laconia Airport Authority. (Rice, Belk 7; et al: Municipal and County Government)  
41, am 105, psd 132, S conc 440, enr 441 (Chapter 13)
- HB 245-FN**, relative to fees and appropriations to the division of safety services. (Patten, Carr 9; et al: Resources, Recreation and Development)  
41, am 106-107, psd 132, S conc 903, enr am 1045, enr 1049 (Chapter 193)
- HB 246**, relative to personnel transfers at the department of safety. (Hunter, Hills 7; et al: Executive Departments and Administration)  
41, Com 376
- HB 247**, relative to voting by secret ballot at town meetings. (Stritch, Rock 5: Municipal and County Government)  
41, K 75
- HB 248**, relative to the Monadnock advisory commission. (Royce, Ches 9; et al: Resources, Recreation and Development)  
41, am 76, psd 95, S conc 279, enr 298 (Chapter 8)
- HB 249**, relative to the membership of the rivers management advisory committee. (Phinizy, Sull 7; et al: Resources, Recreation and Development)  
41, psd 76, 95, conc S am 356, enr 441 (Chapter 14)
- HB 250**, relative to authorized regional enrollment area schools. (Philbrick, Carr 4; et al: Education)  
41, am 217, psd 258, S conc 440, enr 441 (Chapter 15)
- HB 251**, relative to official ballot procedures. (Brundige, Hills 18; et al: Municipal and County Government)  
41, am 518-520, psd 545, S Com 905

- HB 252**, establishing a procedure for separation of condominium units at the Commons at Merrimack. (McGough, Hills 18; et al: Commerce)  
**new title:** establishing a committee to study all aspects of the condominium act established under RSA 356-B.  
41, rcmt 626, am 829, psd 856, nonconc S am, conf 1046, 1115, 1119, rules suspended 1112, rem 1130, rep rej 1138
- HB 253**, requiring ballots to be examined and counted prior to the opening of polls on election day. (K. Herman, Hills 13: Election Law)  
**new title:** allowing ballots to be examined and counted prior to the opening of polls on election day.  
41, am 104, psd 132, S conc 354, enr 356 (Chapter 12)
- HB 254-L**, relative to restricting the fire marshal's authority in certain municipalities. (Clegg, Hills 23: Criminal Justice and Public Safety)  
41, Com 302
- HB 255**, authorizing the appointment or election of the combined office of town clerk-tax collector. (Avery, Ches 8; et al: Municipal and County Government)  
41, K 148
- HB 256**, repealing the preemption of local regulation of pesticides. (B. Hall, Hills 20; et al: Environment and Agriculture)  
41, K (2 RCs) 244-249
- HB 257-FN-A**, to construct a noise barrier along a portion of I-95 and making an appropriation therefor. (Pantelakos, Rock 30; et al: Public Works and Highways)  
41, K 76
- HB 258**, establishing Gold Star Mother's Day honoring mothers who lost sons or daughters while on duty in the armed forces. (Domingo, Straf 12: State-Federal Relations and Veterans Affairs)  
42, psd 309,311, S conc 645, enr 822 (Chapter 72)
- HB 259-FN**, granting a right to trial by jury in any controversy between a person or persons and a state board, commission, or agency when the amount in controversy is at least \$5,000. (L. Jean, Hills 17; et al: Judiciary)  
42, K 220
- HB 260-FN-A**, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. (Jacobson, Merr 2: Children and Family Law)  
42, rem 216, K 255
- HB 261-L**, relative to the official ballot option. (Stone, Rock 7; et al: Municipal and County Government)  
42, am 221-223, psd 258, S conc 745, enr 823 (Chapter 86)
- HB 262-L**, relative to emergency expenditures and overexpenditures by school boards. (Stone, Rock 7; et al: Municipal and County Government)  
42, psd 105, 132, S conc 824, enr 902 (Chapter 140)
- HB 263**, repealing the Northern New England Low-Level Radioactive Waste Management Compact. (Rosen, Belk 7; et al: Science, Technology and Energy)  
42, psd 596, 643, S conc 982, enr 1151 (Chapter 194)
- HB 264**, relative to persons who die in nursing homes. (Dwyer, Hills 43; Brennan, Straf 16: Health, Human Services and Elderly Affairs)  
42, K 267
- HB 265**, relative to the student trustees on the university system of New Hampshire board of trustees. (Hinman, Graf 7; et al: Education)  
**new title:** relative to the student trustees on the university system of New Hampshire board of trustees, relative to adequate education grants in cooperative school districts, relative to alternative kindergarten programs, and relative to the adequate education grant in the town of Stratford.



**2<sup>nd</sup> new title:** relative to the student trustees on the university system of New Hampshire board of trustees, adequate education grants in cooperative school districts, kindergarten program funding, and the adequate education grant in the town of Stratford.

42, psd 487, 508, nonconc S am, conf 1044, 1115, rules suspended 1112, SO 1137, rep adop (RC) 1149-1151, enr am 1154, enr 1159 (Chapter 281)

**HB 266**, increasing the length of license revocation for first-time DWI offenders. (Dolan, Rock 12; et al: Criminal Justice and Public Safety)  
42, K 144

**HB 267-FN-L**, abolishing county departments of corrections and authorizing the department of corrections to contract with the counties to utilize the former county correctional facilities as state facilities. (Rubin, Rock 25: Criminal Justice and Public Safety)  
42, K 477

**HB 268-L**, relative to the rescission of the official ballot form of meeting. (Stone, Rock 7; et al: Municipal and County Government)

**new title:** relative to the adoption and rescission of the official ballot form of meeting.  
42, am 148, psd 213, S conc & enr 547 (Chapter 34)

**HB 269-L**, relative to the disbursement of foundation aid. (Varrell, Rock 9; et al: Education)  
42, K 88

**HB 270**, relative to persons not competent to stand trial. (Lyman, Carr 5: Judiciary)  
42, am 220-221, psd 258, S conc 1048, enr 1151 (Chapter 195)

**HB 271**, relative to recounts. (Wallin, Merr 15: Election Law)  
43, K 279

**HB 272-FN**, relative to the use of laser pointing devices. (Tholl, Coos 5; et al: Criminal Justice and Public Safety)  
43, am 144-145, psd 213, conc S am 1047, enr 1154 (Chapter 230)

**HB 273-FN-L**, relative to annual grants for school building aid. (R. McKinley, Straf 2; et al: Education)  
43, Com 73

**HB 274-FN**, relative to the office of the consumer advocate. (D. White, Hills 25; et al: Science, Technology and Energy)  
43, am & Finance 253-255, am 559, psd 643, S conc 903, enr 1046 (Chapter 167)

**HB 275-FN**, providing that the deputy adjutant general shall serve as the director of emergency management and funds for emergency management shall be appropriated to the adjutant general. (Rubin, Rock 25: Executive Departments and Administration)  
43, K 219

**HB 276-FN-L**, requiring that a school administrative unit budget be approved by vote at the annual school district meeting. (Fenton, Hills 24; et al: Education)  
43, K 234

**HB 277-FN**, relative to health benefits and compensation to pari-mutuel commission-appointed veterinarians. (Lent, Straf 8: Executive Departments and Administration)  
43, K 285

**HB 278**, relative to scheduling of district court sessions. (Bergin, Hills 16; et al: Judiciary)  
43, rem 216, am & Finance 256-257, am 368, psd 423, S conc 822, enr 824 (Chapter 124)

**HB 279-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. (J. Phinizy, Sull 7; et al: Public Works and Highways)  
44, K (RC) 324-327, recon, Finance & protest (2 RCs) 341-346, Com 1008

**HB 280-FN**, establishing a point system for the annual moose permit lottery. (L'Heureux, Hills 18; et al: Wildlife and Marine Resources)  
44, Com 77

**HB 281-A**, making a capital appropriation for the expansion of veterans' home facilities. (Leber, Merr 1; et al: Public Works and Highways)  
44, rem 746, K 818

- HB 282-FN-A**, relative to bomb dogs and making an appropriation therefor. (Leone, Sull 2; et al: Criminal Justice and Public Safety)  
44, Com 145
- HB 283-A**, making a capital appropriation to the department of administrative services for the funding, siting, and design of the new Henniker-Hillsborough district courthouse. (French, Merr 3; et al: Public Works and Highways)  
44, K 223
- HB 284-L**, relative to recount procedures in school districts. (M. Downing, Rock 26; et al: Election Law)  
44, am 74, psd 95, S conc & enr 213 (Chapter 5)
- HB 285**, providing that equalized value of property in small towns be calculated as a multi-year average. (Thulander, Hills 6: Municipal and County Government)  
44, Com 75
- HB 286**, establishing a committee to study the issue of an HIV infected person's failure to warn his or her sexual partners that he or she is infected with HIV. (C. Moore, Merr 19; et al: Judiciary)  
44, K 147
- HB 287**, relative to nursing home care services. (N. Kaen, Straf 7; et al: Commerce)  
44, K 476
- HB 288**, relative to the committee to study land management, protection of farmland, rural character, environmental quality, and sprawl. (Melcher, Hills 11; et al: Environment and Agriculture)  
44, psd 218, 258, S conc 440, enr 511, appointments 1228 (Chapter 23)
- HB 289**, relative to eligibility for child day care assistance. (Bradley, Carr 8; et al: Finance)  
44, Com 517
- HB 290**, relative to exempting the town of Litchfield from the shoreland protection act. (Calawa, Hills 17: Resources, Recreation and Development)  
44, K 107-108
- HB 291**, establishing a study committee for seed sterilization technology or "terminator" technology. (Rabideau, Rock 16; et al: Environment and Agriculture)  
45, psd 218, 258, nonconc S am, conf 1044, 1115, rules suspended 1112, rep adop 1134, enr am 1154, enr 1159, appointments 1228 (Chapter 282)
- HB 292**, relative to ballot procedures for constitutional amendments. (Jacobson, Merr 2: Election Law)  
45, am 218, psd 258, S conc 645, enr 745 (Chapter 67)
- HB 293**, relative to the definition of "party" for election purposes. (Brewster, Merr 1: Election Law)  
45, rem 473, K 507
- HB 294-FN-L**, relative to state aid to municipalities for closure of certain municipal incinerators. (Alger, Graf 9; et al: Environment and Agriculture)  
45, Finance 430, psd 610, 644, conc S am 1211, enr 1213 (Chapter 347)
- HB 295-FN-L**, relative to alternative kindergarten programs in cooperative school districts. (Jacobson, Merr 2; et al: Education)  
45, am 73-74, psd 95, S LT, Clerk's note 1214, 1226
- HB 296-FN-L**, consolidating the number of school administrative units to one in each county. (Rubin, Rock 25: Education)  
47, rem 73, SO rej & K (RC) 92-95
- HB 297-FN**, permitting a jury trial in the superior court for violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. (Dawe, Hills 33; et al: Judiciary)  
**new title:** permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.  
47, rcmt 535, am & Finance 613-614, Com 987

- HB 298-FN**, relative to the authority of the executive director of fish and game to prevent damage to commercial agricultural crops through wildlife reduction or management. (Melcher, Hills 11; et al: Wildlife and Marine Resources)  
47, K 271
- HB 299**, establishing a bill of rights for pregnant women. (Rabideau, Rock 16; et al: Health, Human Services and Elderly Affairs )  
47, rcmt 285, K 406
- HB 300**, making technical corrections to 1999, HB 117. (Chandler, Carr 1; et al: Finance)  
intro & rules suspension rej (RC) 696-699, rules suspended 728-730, am (2 RCs) 789-796, recon rej (RC) 809-812, psd 821, S conc 822, enr 823 (Chapter 65)
- HB 301**, relative to burials and funerals at the New Hampshire state veterans cemetery. (Clegg, Hills 23; et al: State-Federal Relations and Veterans Affairs)  
47, am 834, psd 857, S conc 982, enr 1151 (Chapter 196)
- HB 302**, relative to paint ball guns. (Beaulieu, Rock 11; et al: Criminal Justice and Public Safety)  
47, am 145, psd 213, S conc 547, enr am 549, enr 645 (Chapter 44)
- HB 303-FN-A**, relative to the preservation of and access to legislative records and making an appropriation therefor. (Major, Rock 16; et al: Legislative Administration)  
47, Finance 618. Com 1008-1009
- HB 304**, relative to the confidentiality of criminal history records checks. (Spear, Straf 3; et al: Education)  
47, Com 217
- HB 305-A**, making a capital appropriation to the department of administrative services for the construction of the new Jaffrey-Peterborough district courthouse. (Royce, Ches 9; et al: Public Works and Highways)  
48, Com 223-224
- HB 306**, relative to discoverability of environmental audit reports. (Melcher, Hills 11: Judiciary)  
48, am 147-148, psd 213, S conc 646, enr 823 (Chapter 87)
- HB 307**, establishing a committee to study the shared risk when patients decide to remain in a facility over the recommendations of the department of health and human services. (Alger, Graf 9; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing a committee to study the negotiated risk agreements when patients desire to remain in a facility over the recommendations of the department of health and human services.  
48, am 219-220, psd 258, S conc 510, enr 511, appointments 1228 (Chapter 24)
- HB 308**, relative to the venue of actions against municipalities. (Keans, Straf 16; et al: Judiciary)  
48, K 209
- HB 309**, relative to motor vehicle insurance. (Christiansen, Hills 23; et al: Commerce)  
48, Com 356
- HB 310**, repealing the authority of the department of agriculture, markets, and food to conduct meat inspections and poultry products inspections. (Melcher, Hills 11: Environment and Agriculture)  
48, Com 219,
- HB 311-FN-A**, relative to grants made under the New Hampshire incentive program and making an appropriation therefor. (Hinman, Graf 7; et al: Education)  
**new title:** relative to grants made under the New Hampshire incentive program.  
48, am & Finance 265-266, am 611, psd 644, S Com 1049
- HB 312**, restricting the carrying of firearms in courthouses. (Welch, Rock 18: Criminal Justice and Public Safety)  
48, Com 145
- HB 313-FN**, relative to the regulation of the practice of optometry. (Leber, Merr 1; et al: Executive Departments and Administration)  
49, am 377, psd 423, conc S am 827, enr am 1045, enr 1049 (Chapter 197)

- HB 314**, relative to universal service. (Bradley, Carr 8: Science, Technology and Energy)  
**new title:** relative to the escrowing of certain utility payments.  
 49, am 849-851, psd 857, S Com 1162
- HB 315**, permitting the distribution of certain campaign materials at polling places. (Almy, Graf 14: Election Law)  
 49, K 516
- HB 316**, relative to political party expenditures. (Almy, Graf 14: Election Law)  
 49, K 555
- HB 317**, relative to the display of tobacco products. (Almy, Graf 14: Commerce)  
 49, K 528
- HB 318**, relative to recovery of costs in rate proceedings and relative to the appointment of public utilities commissioners. (Bradley, Carr 8; et al: Science, Technology and Energy)  
**new title:** relative to recovery of costs in utility proceedings and relative to the appointment of public utilities commissioners.  
 49, am 411-412, psd 424, S conc 822, enr 824 (Chapter 131)
- HB 319-FN**, relative to mandatory automobile insurance. (Richardson, Ches 12; et al: Commerce)  
 49, K 274
- HB 320-FN**, raising the maximum speed limit on all New Hampshire interstate highways from 65 to 70 miles per hour and on portions of the interstate specifically posted currently at 55 miles per hour to 60 miles per hour. (Vaillancourt, Hills 44; et al: Transportation)  
 49, K (RC) 328-331
- HB 321**, requiring health carriers to pay for all recommended prescription drugs. (Taylor, Straf 11; et al: Commerce)  
 49, K 357
- HB 322**, relative to funds exchanged at real estate closings. (Copenhaver, Graf 10; et al: Commerce)  
**new title:** relative to funds provided by a mortgagee at real estate closings.  
 49, am 476-477, psd 508, S conc 646, enr 823 (Chapter 88)
- HB 323**, relative to restricting the decibel level of motor vehicle sound systems. (LaPorte, Hills 39; et al: Criminal Justice and Public Safety)  
 49, K 146
- HB 324**, repealing certain grounds for granting a divorce for cause. (Bickford, Straf 1: Children and Family Law)  
 49, psd 216, 258, S conc 1048, enr 1151 (Chapter 198)
- HB 325**, prohibiting "cramming" in telecommunications billing. (Norelli, Rock 31; et al: Science, Technology and Energy)  
 49, am 482-483, psd 508, conc S am 827, enr am 902, enr 1041 (Chapter 168)
- HB 326-FN**, requiring the department of health and human services to survey home health care agencies for compliance with federal regulations for medicare. (Buckley, Hills 44: Health, Human Services and Elderly Affairs)  
 49, Com 304
- HB 327-L**, allowing municipal treasurers to enter into lease agreements for equipment. (Packard, Rock 29: Municipal and County Government)  
**new title:** allowing municipal governing bodies to enter into lease agreements for equipment.  
 49, am 269-270, psd 296, S conc & enr 547 (Chapter 35)
- HB 328-L**, allowing municipalities to enter into agreements to purchase goods and services with credit cards. (Packard, Rock 29: Municipal and County Government)  
 49, K 270
- HB 329**, relative to privatization of nursing homes. (Rubin, Rock 25: Health, Human Services and Elderly Affairs)  
 49, K 304

- HB 330**, relative to changing the name of the lienholder or mortgage holder on title insurance when refinancing a home. (Bradley, Carr 8; et al: Commerce)  
49, K 263
- HB 331**, relative to auto leasing. (Jacobson, Merr 2: Commerce)  
**new title:** relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers.  
**2<sup>nd</sup> new title:** addressing hazardous waste and surface water quality violations incurred by the department of transportation identified by the state department of environmental services, and making an appropriation therefor.  
49, am 829-830, psd 856, rules suspended 1112, nonconc S am, conf 1116, 1117, 1119, rem 1130, rep adop (RC) 1138-1140, enr 1154 (Chapter 283)
- HB 332**, establishing a committee to study the relationship between Plymouth state college and the town of Plymouth. (Hinman, Graf 7; et al: Municipal and County Government)  
49, K 75
- HB 333**, relative to contracts between participating providers and managed care entities. (Asplund, Merr 13; et al: Commerce)  
49, am 512, psd 545, nonconc S am, conf 1044, 1115, rules suspended 1112, rep adop 1130, enr 1159 (Chapter 284)
- HB 334**, restricting the land application of sludge, septage, and solid wastes. (B. Hall, Hills 20; et al: Environment and Agriculture)  
50, K 401-402
- HB 335**, prohibiting the land application of sludge in reclamation areas. (B. Hall, Hills 20; et al: Environment and Agriculture)  
50, Com 364
- HB 336**, establishing the first Monday in February as a holiday to be known as Abraham Lincoln Civil Rights Day. (Rosen, Belk 7: Executive Departments and Administration)  
50, K (RC) 774-776
- HB 337**, requiring that the order of candidate names on the ballot be determined by a random drawing. (Potter, Merr 24; et al: Election Law)  
50, K (RC) 756-759, recon rej 853
- HB 338**, relative to absentee voting procedures. (Wallin, Merr 15; et al: Election Law)  
50, K 364
- HB 339**, requiring consumer reporting agencies to provide annually to the consumer a free copy, upon request, of a consumer report. (Dokmo, Hills 14; et al: Commerce)  
50, K 264
- HB 340**, establishing a committee to study mercury source reduction and recycling issues. (Musler, Straf 6: Environment and Agriculture)  
50, am 317-318, psd 352, S conc 645, enr 745, appointments 1228 (Chapter 71)
- HB 341**, relative to the process for nonrenewal of teacher contracts. (O'Hearn, Hills 26; et al: Education)  
50, psd (RC) 487-490, 508, rules suspended 1112, nonconc S am, conf 1116, 1117, rep adop 1134 (unable to agree)
- HB 342**, repealing certain laws pertaining to adverse possession. (Bickford, Straf 1: Judiciary)  
50, rem 141, SO 209, K 250
- HB 343**, changing the Columbus Day holiday to Explorers Day. (V. Clark, Rock 17: Executive Departments and Administration)  
50, K 377
- HB 344-L**, relative to voting in official ballot school districts. (Weber, Graf 11; et al)  
48, rules suspended & psd 56, S conc 59, enr 62 (Chapter 4)

- HB 345-FN**, relative to harassment via the Internet. (Stone, Rock 7; et al: Criminal Justice and Public Safety)  
**new title:** relative to harassment via the computer.  
57, am 302, psd 310, conc S am 827, enr 902 (Chapter 141)
- HB 346-FN-A**, relative to permissible fireworks. (Hunter, Hills 7; et al: Criminal Justice and Public Safety)  
57, am & Finance 514-515, am 869-870, psd 901, nonconc S am, conf 1168, 1212, Clerk's note 1215, rules suspended & rep adop 1223-1224, enr am 1225, enr 1226 (Chapter 348)
- HB 347-L**, relative to municipal economic development and revitalization district tax increments. (Thulander, Hills 6: Municipal and County Government)  
57, K 223
- HB 348-FN**, privatizing the sale of liquor. (Rubin, Rock 25: Executive Departments and Administration)  
57, K 555-556
- HB 349-FN-L**, relative to revising annual grant amounts for school building aid. (Hinman, Graf 7; et al: Education)  
57, Com 147
- HB 350-FN**, relative to an additional lane on Route 102 in Chester and making an appropriation therefor. (Beaulieu, Rock 11; et al: Public Works and Highways)  
57, K 149
- HB 351**, relative to liability for property taxes on manufactured housing when the manufactured housing is moved. (Lyman, Carr 5: Commerce)  
57, K 264
- HB 352-FN**, relative to including persons practicing as sports trainers in the regulation of athletic trainers. (Rubin, Rock 25: Executive Departments and Administration)  
57, K 219
- HB 353**, relative to access to toilet facilities in public places. (Taylor, Straf 11: Health, Human Services and Elderly Affairs)  
57, K 304
- HB 354**, broadening the range of acceptable media for storage of public records. (L'Heureux, Hills 18; et al: Municipal and County Government)  
57, K 223
- HB 355**, relative to the dredging of harbors and channels. (O'Keefe, Rock 21; et al: Public Works and Highways)  
57, psd 224, 258, S conc 440, enr 511 (Chapter 25)
- HB 356**, relative to the issuance of summons and notice in CHINS petitions. (Lyman, Carr 5: Children and Family Law)  
57, psd 301, 310, conc S am 979, enr 1151 (Chapter 199)
- HB 357**, establishing a committee to study and investigate issues related to investigations, trials, convictions, and sentencing of sex offenders. (Lyman, Carr 5; et al: Criminal Justice and Public Safety)  
57, psd 217, 258, S conc 645, enr am 647, enr 823, appointments 1228 (Chapter 89)
- HB 358**, relative to the term of office for members of the state board of education. (O'Hearn, Hills 26: Education)  
57, psd 147, 213, conc S am 511, enr 550 (Chapter 45)
- HB 359**, establishing a committee to study the rights of a private citizen to pursue a criminal investigation if he or she believes it is not being pursued vigorously. (Lyman, Carr 5; et al: Criminal Justice and Public Safety)  
57, Com 361

- HB 360-FN**, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons. (Murphy, Hills 42; et al: Criminal Justice and Public Safety)  
57, psd 627, 644, S Com 1114
- HB 361**, requiring the suspension of attorneys who do not abide by a client's decision whether to accept an offer of settlement. (Gilman, Graf 1: Judiciary)  
57, K 368-369
- HB 362**, relative to dam safety program violations. (Royce, Ches 9: Resources, Recreation and Development)  
57, am 385, psd 423, S conc 822, enr 824 (Chapter 125)
- HB 363-FN**, increasing the bonding limit of the school building authority. (Burling, Sull 1: Public Works and Highways)  
57, Finance 224, psd 870, 901, S conc 1162, enr 1169 (Chapter 335)
- HB 364**, relative to expenditure of funds received from the United States on account of national forest lands in this state. (Dyer, Hills 8: Municipal and County Government)  
57, psd 105, 132, S conc 982, enr 1151 (Chapter 200)
- HB 365**, establishing a committee to study the current practice of posting roads and its effect on the economy. (Lyman, Carr 5: Public Works and Highways)  
58, psd 149, 213, S conc & enr 547, appointments 1228 (Chapter 36)
- HB 366**, allowing the secretary of state to accept faxed filings for a primary on the last day of the filing period. (Buckley, Hills 44: Election Law)  
**new title:** repealing the requirement that persons filing for a primary on the last day of the filing period do so in person.  
58, am 401, psd 423, S Com 1049
- HB 367**, relative to requesting certifying scientists to appear at DWI hearings. (Musler, Straf 6; et al: Criminal Justice and Public Safety)  
58, psd 302, 310, conc S am 1047, enr 1154 (Chapter 231)
- HB 368**, relative to motor vehicle learner's permit requirements. (Akins, Graf 14: Transportation)  
58, K 372
- HB 369**, relative to tobacco use violations by minors and establishing a committee on teen tobacco use prevention and education. (Akins, Graf 14; et al: Commerce)  
**new title:** establishing a committee on educational programs on tobacco use for minors.  
58, am 528, psd 546, nonconc S am, conf 1046, 1115, 1119, rules suspended 1112, rep adop 1130, enr 1154, appointments 1228 (Chapter 258)
- HB 370-L**, prohibiting wastewater treatment plants from excluding towns that regulate sludge disposal within their borders from using such facilities and requiring disclosure by sellers of sludge applications to land. (Owen, Merr 6: Environment and Agriculture )  
58, K 402
- HB 371**, relative to warranty coverage and liability for loss under a motor vehicle lease. (Christiansen, Hills 23; et al: Commerce)  
58, K 512
- HB 372**, amending the bond issuing powers of the business finance authority. (Belvin, Hills 14; et al: Commerce)  
58, K 264
- HB 373**, making technical corrections to the securities laws. (Flanagan, Rock 14: Commerce)  
58, psd 142, 212, S conc 646, enr 823 (Chapter 90)
- HB 374**, relative to the order of names on presidential primary election ballots. (Flanagan, Rock 14: Election Law)  
**new title:** making adjustments to the fiscal year 1999 budget for the department of health and human services and the New Hampshire retirement system.  
58, psd 430, 438, conc S am (RC) 843-846, enr 858 (Chapter 120)

- HB 375**, relative to substitutions for disqualified candidates and relative to nominations by nomination papers. (Flanagan, Rock 14: Election Law)  
**new title:** relative to substitutions for disqualified and deceased candidates.  
58, am 747, psd 821, S Com 1212
- HB 376**, relative to the times for sessions for corrections of voter checklists. (Flanagan, Rock 14: Election Law)  
58, K 235
- HB 377**, relative to staying adoption of zoning ordinances under certain circumstances. (Moran, Hills 15; et al: Municipal and County Government)  
58, K 149
- HB 378**, relative to discharge or suspension of county employees. (Soltani, Merr 10: Municipal and County Government)  
58, K 149
- HB 379**, setting up a study committee to study issues pertaining to the Sullivan county regional refuse disposal district. (Tuthill, Sull 5: Environment and Agriculture)  
58, psd 494, 508, S conc 982, enr 1049, appointments 1229 (Chapter 201)
- HB 380**, repealing the Interstate Solid Waste Compact. (Tuthill, Sull 5: Environment and Agriculture)  
58, K 533-534
- HB 381**, prohibiting any candidate from receiving the nomination of more than one party. (Rollo, Straf 10: Election Law)  
58, psd (RC) 279-282, 296, S conc 1048, enr 1151 (Chapter 202)
- HB 382**, making the law against discrimination by employers applicable to charitable and educational organizations. (Nordgren, Graf 10; et al: Judiciary)  
58, K 369
- HB 383**, relative to the authority of the department of environmental services to assign air pollution allowances and credits. (MacGillivray, Hills 21: Science, Technology and Energy)  
58, am 307-308, psd 311, S conc 547, enr 550 (Chapter 46)
- HB 384-L**, relative to permitting the election of city officers to be held on biennial election day. (Feuerstein, Merr 13: Municipal and County Government)  
58, K 149
- HB 385**, increasing the time window for holding the first session of a town meeting in political subdivisions which have adopted the official ballot. (MacGillivray, Hills 21: Municipal and County Government)  
58, K 520
- HB 386**, establishing a committee to study allowing Internet service providers to restrict unsolicited electronic mail. (MacGillivray, Hills 21: Science, Technology and Energy)  
58, Com 412
- HB 387**, relative to local telephone calling areas, access charges, and competitive telephone services. (MacGillivray, Hills 21: Science, Technology and Energy)  
58, Com 370
- HB 388**, relative to telephone number conservation. (MacGillivray, Hills 21: Science, Technology and Energy)  
**new title:** relative to telephone number conservation and area code implementation.  
58, am 412-415, psd 424, S conc 822, enr 824 (Chapter 126)
- HB 389**, relative to procedures for apportioning state representatives among counties and among legislative districts. (MacGillivray, Hills 21: Election Law)  
58, rem 473, SO 507, K 533
- HB 390-L**, relative to lengthening the polling hours in towns. (MacGillivray, Hills 21: Election Law)  
58, K 555



- HB 391**, establishing a village plan alternative in zoning and land use planning laws. (Mirski, Graf 12; et al: Municipal and County Government)  
59, Com 369
- HB 392**, relative to exemptions from required child immunizations. (Richardson, Ches 12; et al: Health, Human Services and Elderly Affairs)  
59, K 433
- HB 393-FN-A**, establishing a sunset review process for state agencies and making an appropriation therefor. (Mirski, Graf 12; et al: Legislative Administration)  
59, K 369
- HB 394-L**, enabling towns, cities, and village districts to assess property taxes for certain services on charitable organizations. (Dickinson, Carr 2; et al: Municipal and County Government)  
59, K 270
- HB 395-FN-A**, establishing a pilot program of matching grants and optional local tax exemptions to preserve historic agricultural structures in New Hampshire and making an appropriation therefor. (Thulander, Hills 6; et al: Environment and Agriculture)  
**new title:** establishing a pilot program of matching grants to preserve historic agricultural structures in New Hampshire and making an appropriation therefor.  
**2<sup>nd</sup> new title:** establishing a program of matching grants to preserve historic agricultural structures in New Hampshire.  
59, am & Finance 430-432, am 748-749, psd 821, S conc 1113, enr am 1153, enr 1159 (Chapter 285)
- HB 396**, establishing April 6 of each year as New Hampshire Tartan Day. (Avery, Ches 8; et al: Executive Departments and Administration)  
59, K 249
- HB 397**, establishing a 4-year term for the commissioner of the department of corrections. (Burling, Sull 1: Executive Departments and Administration)  
**new title:** establishing a 4-year term for the commissioner of the department of corrections, and clarifying the process of appointing personnel under the commissioner.  
59, am 365, psd 423, S nonconc 904
- HB 398**, relative to prayer in the public schools. (M. Nowe, Rock 4; et al: Education)  
59, K 363
- HB 399**, allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary. (Splaine, Rock 34; et al: Election Law)  
**new title:** allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary and changing the filing period for declarations of candidacy for candidates for president and vice-president at the presidential primary.  
59, am (RC) & remarks 836-841, psd 857, conc S am 1047, enr 1049 (Chapter 161)
- HB 400**, not introduced
- HB 401**, relative to the International Trade Corridor and Border Crossing Planning and Development Program. (Guay, Coos 6: Public Works and Highways)  
59, K 149
- HB 402**, establishing a commission to study the use of a surcharge to promote the use of renewable energy sources. (Gilmore, Straf 11; et al: Science, Technology and Energy)  
**new title:** establishing a committee to study methods to promote the use of renewable energy sources.  
59, am 308-309, psd 311, S conc 547, enr 551, appointments 1229 (Chapter 47)
- HB 403**, relative to speed limits on Turtle Town Pond in Concord. (T. Reardon, Merr 23; et al: Transportation)  
59, psd 309, 311, S conc 547, enr 550 (Chapter 48)
- HB 404**, establishing a committee to study the implementation of a means-testing grant program within the university system of New Hampshire. (Hinman, Graf 7; et al: Education)  
60, K 266

- HB 405-FN**, relative to the definition of "placement cost" with regard to services for children, youth, and families provided by the department of health and human services. (Wallner, Merr 24; et al: Children and Family Law)  
60, Com 216
- HB 406-FN-L**, relative to certain private rail lines. (R. McKinley, Straf 2: Public Works and Highways)  
60, K 150
- HB 407**, relative to unsolicited telephone sales by competitive telephone and electricity providers. (MacGillivray, Hills 21: Science, Technology and Energy)  
60, Com 415
- HB 408**, relative to drug formularies under managed care entities. (Taylor, Straf 11: Commerce)  
60, am 529, psd 546, nonconc S am, conf 1046, 1115, 1119, rules suspended 1112, rep adop 1130, enr 1159 (Chapter 286)
- HB 409**, establishing a committee to study transportation of bulk unpackaged food products for livestock and human consumption. (Scanlan, Graf 11: Transportation)  
60, K 309
- HB 410**, relative to the enforcement authority of the department of environmental services. (Musler, Straf 6: Environment and Agriculture)  
60, psd 494, 508, S conc 982, enr am 1118, enr 1154 (Chapter 232)
- HB 411**, requiring ballot clerks to verify the identity of persons receiving ballots by requesting an identification card. (M. Nowe, Rock 4; et al: Election Law)  
**new title:** requiring voters to present identification.  
60, am 759-760, psd 821, nonconc S am, conf 1048, S rej conf req 1114
- HB 412-FN**, relative to the state treasurer and increasing the limit on state indebtedness. (Dyer, Hills 8: Executive Departments and Administration)  
**new title:** relative to the powers of the state treasurer and increasing the limit on state indebtedness, and relative to the use of bond proceeds awarded under a state guarantee.  
60, am & Finance 494-495, am & LT rej 870, psd 901, S conc 903, enr 905 (Chapter 137)
- HB 413-FN-A**, relative to the renovation of regional vocational education centers, and making an appropriation therefor. (O'Hearn, Hills 26; et al: Public Works and Highways)  
60, Com 307
- HB 414-FN**, relative to the salary of the executive director of fish and game. (MacNeil, Graf 7; et al: Executive Departments and Administration)  
**new title:** establishing a committee to study the unclassified salary structure for state officers.  
60, am 556, psd 643, S conc 982, enr 1049, appointments 1229 (Chapter 203)
- HB 415-FN**, establishing a registry for brain and spinal cord injuries. (Boyce, Belk 5; et al: Health, Human Services and Elderly Affairs)  
60, K 220
- HB 416-FN-L**, transferring control of all rest areas on state ways to the city or town in which each rest area is situated. (Rubin, Rock 25: Public Works and Highways)  
60, K 150
- HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. (Calawa, Hills 17; et al: Public Works and Highways)  
61, am & Finance 327, Com 987
- HB 418**, relative to accounts and reporting dates of certain funds in the fish and game department. (Abbott, Rock 19: Wildlife and Marine Resources)  
61, psd 227, 259, S conc 510, enr 511 (Chapter 26)
- HB 419-FN**, repealing the certificate of need law. (Wendelboe, Belk 2; et al: Health, Human Services and Elderly Affairs)  
61, K 675

- HB 420**, relative to orders for spousal support in domestic relations cases. (Bickford, Straf 1: Children and Family Law)  
61, am 216-217, psd 258, S conc 646, enr 823 (Chapter 91)
- HB 421**, relative to penalty provisions for the law regarding exotic aquatic weeds. (Cooney, Rock 26; et al: Resources, Recreation and Development)  
**new title:** relative to penalty provisions for the law regarding control of marine pollution, exotic aquatic weeds, and other aquatic growth.  
61, am 481-482, psd 508, S conc 982, enr 1151 (Chapter 204)
- HB 422**, relative to advertising by rent-to-own businesses. (Splaine, Rock 34: Commerce)  
61, am 264-265, psd 296, S Com 905
- HB 423**, relative to advertisements for sweepstakes and gambling. (Splaine, Rock 34: Criminal Justice and Public Safety)  
61, K 146
- HB 424**, relative to fire protection and warning devices. (Splaine, Rock 34: Criminal Justice and Public Safety)  
61, K 146
- HB 425**, relative to the placement of public utility wires. (Splaine, Rock 34; et al: Municipal and County Government)  
61, K 270
- HB 426**, relative to clean indoor air in state buildings. (Bradley, Carr 8; et al: Science, Technology and Energy)  
61, am 328, psd 352, S conc 547, enr am 645, enr 745 (Chapter 70)
- HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. (Splaine, Rock 34; et al: Criminal Justice and Public Safety)  
61, Com 302
- HB 428**, relative to school administrative units. (Rabideau, Rock 16: Education)  
61, am 266, psd 296, nonconc S am, conf 827, 982, rules suspended 1112, rep adop 1130, enr 1159 (Chapter 287)
- HB 429**, prohibiting mortgage foreclosures or demands of mortgages during an economic emergency declared by the governor. (Gilman, Graf 1: Commerce)  
61, K 143
- HB 430**, requiring anyone operating windshield wipers to also have on headlights. (Avery, Ches 8; et al: Transportation)  
61, rem 301, K (RC) 338-340
- HB 431**, establishing a committee to study methods and processes necessary to retain the traditional uses of White Mountain National Forest land. (Gilman, Graf 1; et al: Resources, Recreation and Development)  
**new title:** establishing a committee to study methods and processes necessary to retain the traditional uses of White Mountain National Forest land, the impact of any change in designation, and relative to promoting the continual multiple use management of such land.  
**2<sup>nd</sup> new title:** establishing a committee to study methods and processes necessary to retain and enhance uses of the White Mountain National Forest, the impact of any change in designation or uses, and relative to promoting the continual multiple use management of such land.  
61, am 224-225, psd 259, conc S am 827, enr 902, appointments 1229 (Chapter 142)
- HB 432**, requiring persons under 18 who complete a driver's education course to also do practice driving with a parent or guardian. (Gleason, Rock 13; et al: Transportation)  
61, K 372
- HB 433**, relative to moorings on public waters. (E. Smith, Ches 6; et al: Resources, Recreation and Development)  
61, K 370

- HB 434**, providing that health care providers shall determine the appropriate course of patient treatment. (Hess, Merr 11; et al: Commerce)  
61, Com 530
- HB 435**, relative to the mail order and catalog business. (K. Herman, Hills 13: Commerce)  
**new title:** relative to disclosure by sellers of consumer goods and services.  
61, am 357, psd 423, S conc 547, enr am 549-550, enr 645 (Chapter 49)
- HB 436-L**, relative to uncompensated public service by prisoners. (Heon, Straf 14: Criminal Justice and Public Safety)  
61, rem 262, K 294
- HB 437**, establishing a study committee on state reimbursement of municipalities for emergency responses along interstate highways. (Salatiello, Belk 2: Criminal Justice and Public Safety)  
61, K 146
- HB 438**, relative to certain changes to the membership of the advisory committee on child care. (Grassie, Straf 19; et al: Children and Family Law)  
61, am 474-475, psd 508, S conc 824, enr am 902-903, enr 1041, appointments 1233-1234 (Chapter 184)
- HB 439**, relative to exemptions from the safe drinking water act. (Moran, Hills 15; et al: Resources, Recreation and Development)  
61, K 385
- HB 440**, relative to access to copies of patient medical records. (Soltani, Merr 10; et al: Health, Human Services and Elderly Affairs)  
61, K 517
- HB 441**, relative to a mother's right to breast-feed. (M. Fuller Clark, Rock 36; et al: Children and Family Law)  
61, am 262, psd 296, S conc 822, enr 824 (Chapter 121)
- HB 442**, relative to charitable gift annuities. (Hunt, Ches 10: Commerce)  
61, am 357-359, psd 423, conc S am 551, enr 745 (Chapter 68)
- HB 443**, allowing certain beverage manufacturers to distribute products directly to retailers. (Hunt, Ches 10: Commerce)  
61, am 668-671, psd 744, S conc 903, enr 1046 (Chapter 169)
- HB 444**, relative to establishing a study committee to review reestablishing passenger rail service on the Eastern Line between Newburyport, Massachusetts and Kittery, Maine. (M. Fuller Clark, Rock 36; et al: Transportation)  
62, am 271, psd 296, conc S am 827, enr 902, appointments 1229 (Chapter 143)
- HB 445**, relative to straight ticket voting procedures. (Arndt, Rock 27; et al: Election Law)  
62, rcmt (RC) 282-285, Com 747
- HB 446-L**, subjecting certain land in the town of Newport to local land use regulations. (Wiggins, Sull 4; et al: Municipal and County Government)  
62, Com 561
- HB 447**, repealing the laws prohibiting certain promotional games. (Dalianis, Hills 35; et al: Criminal Justice and Public Safety)  
62, psd 146, 213, S conc & enr 547 (Chapter 37)
- HB 448**, relative to the board of dental examiners and the regulation of dentists and dental hygienists. (Dyer, Hills 8; et al: Executive Departments and Administration)  
62, am 365-366, psd 423, S Com 1145
- HB 449-FN**, requiring boating safety education. (Whalley, Merr 5; et al: Resources, Recreation and Development)  
62, am & Exec Depts (RC) 407-410, am 672, psd 744, S Com 1114
- HB 450**, prohibiting a prepayment penalty on a second mortgage home loan which has been in existence for 4 years. (Copenhaver, Graf 10: Commerce)  
62, K 565

- HB 451**, relative to payments of first and second home mortgages. (Copenhaver, Graf 10; et al: Commerce)  
**new title:** establishing a committee to study first and second mortgage home loans.  
 62, am 565-566, psd 643, S conc 1113, enr 1154, appointments 1229 (Chapter 233)
- HB 452**, relative to patients' rights. (Alger, Graf 9; et al: Health, Human Services and Elderly Affairs)  
 62, K 220
- HB 453**, requiring certain vehicles that transport children to school or school-related activities to meet the minimum safety standards for school buses. (LaPorte, Hills 39: Transportation)  
 62, K 309
- HB 454**, relative to tuition waivers for veterans at state institutions of higher learning. (E. Gagnon, Hills 48: Education)  
**new title:** requiring the university system of New Hampshire board of trustees to initiate a study of the status of veterans' access to higher education within the university system.  
 62, am 397, psd 423, S nonconc 904
- HB 455-FN-L**, designating all tobacco-related funds to be used exclusively to supplement state aid to public education. (Franks, Hills 26; et al: Finance)  
 62, K 1051
- HB 456**, establishing a committee to study issues relating to the deaf community in New Hampshire. (Burnham, Ches 8; et al: Health, Human Services and Elderly Affairs)  
 62, am 267-268, psd 296, conc S am 827, enr 902, appointments 1229 (Chapter 144)
- HB 457**, extending the committee to study electric rate reduction financing. (Bradley, Carr 8; et al: Science, Technology and Energy)  
 62, Com 970
- HB 458**, relative to voter qualifications. (Rodrigue, Coos 7: Election Law)  
 63, rem 473, rcmt 508, K 748
- HB 459**, removing the requirement for continuing education for renewal of a professional engineer's license. (Vaillancourt, Hills 44; et al: Executive Departments and Administration)  
 63, K 406
- HB 460**, relative to adoption and final approval of master plans for municipalities. (DiFruscia, Rock 27: Municipal and County Government)  
 63, K 149
- HB 461-L**, relative to inclusion of conservation, preservation, and local water resources management provisions in local master plans. (DiFruscia, Rock 27: Municipal and County Government)  
 63, K 149
- HB 462**, relative to public/private partnership projects in the department of transportation. (R. Nowe, Rock 3; et al: Public Works and Highways)  
 63, K 383
- HB 463-L**, relative to local regulation of junk yards. (Soltani, Merr. 10; et al: Public Works and Highways)  
**new title:** relative to local regulation of junk yards and altering the definition of federal aid primary system for purposes of the laws regarding highways regulations, protection and control regulations.  
 63, am 480, psd 508, nonconc S am, conf 979, 1115, rules suspended 1112, rep adop 1130, enr 1159 (Chapter 288)
- HB 464**, relative to economic development and retention rates and special contracts. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
**new title:** relative to electric rate reduction financing.  
**2<sup>nd</sup> new title:** relative to electric rate reduction financing and relative to the duties of the public utilities commission.  
 63, am, & LT rej 739-741, psd 744, conc S am & remarks 1140-1145, enr 1159 (Chapter 289)

- HB 465**, prohibiting the application of the doctrine of adverse possession or prescription when boundary lines can be proven by a preponderance of the evidence. (Bickford, Straf 1: Judiciary)  
63, K (RC) 250-252
- HB 466**, establishing a commission to study education options in school districts not maintaining a high school. (Stone, Rock 7; et al: Education)  
63, Com 364
- HB 467**, establishing a committee to study the ability of the legislature to obtain accurate testimony. (Kennedy, Merr 7: Legislative Administration)  
63, K 305
- HB 468**, relative to the home rule powers of municipalities. (Stone, Rock 7; et al: Municipal and County Government)  
63, am 806-809, psd 821, S conc 1113, enr 1154 (Chapter 278)
- HB 469**, raising the medical payments coverage under automobile insurance policies. (DePecol, Ches 14: Commerce)  
63, am 512-513, psd 545, S conc 903, enr 1046 (Chapter 170)
- HB 470**, relative to settlement of personal actions. (DePecol, Ches 14: Judiciary)  
63, am 614-615, psd 644, S Com 1049
- HB 471**, exempting family owned and operated businesses from certain requirements in the workers' compensation act relative to safety programs. (Gilman, Graf 1: Labor, Industrial and Rehabilitative Services)  
**new title:** exempting certain family owned and operated businesses from certain requirements in the workers' compensation act relative to safety programs.  
63, am 734-735, psd 744, S nonconc 904
- HB 472**, relative to establishing metal limits on land-applied sludge. (Owen, Merr 6: Environment and Agriculture)  
63, K (RC) 402-405
- HB 473**, relative to small group health insurance. (K. Herman, Hills 13: Commerce)  
**new title:** establishing a committee to study the non-group health insurance market.  
63, am 513, psd 545, conc S am 979, enr 1151, appointments 1229 (Chapter 205)
- HB 474-FN**, relative to the annual audit of New Hampshire retirement system funds. (Dyer, Hills 8; et al: Executive Departments and Administration)  
63, K 366
- HB 475-FN-A**, appropriating a portion of tobacco settlement moneys to fund the activities of the emergency shelter and homeless coordination commission. (Moriarty, Hills 18; et al: Finance)  
63, K 321-322
- HB 476**, establishing a committee to study the feasibility of allowing state and local government part-time employees to participate in their employer's group insurance coverage. (Garrish, Hills 37; et al: Executive Departments and Administration)  
63, K 366
- HB 477-FN**, changing certain requirements for temporary plates on motor vehicles. (Soltani, Merr 10: Transportation)  
63, am 485, psd 508, S conc 822, enr 824 (Chapter 127)
- HB 478**, prohibiting smoking in all areas of prisons. (K. Herman, Hills 13: Criminal Justice and Public Safety)  
63, Com 146
- HB 479-A**, making a capital appropriation for siting and design of a new Merrimack district courthouse. (Brundige, Hills 18; et al: Public Works and Highways)  
64, K 224
- HB 480**, relative to the taking of sand eels. (Weare, Rock 21; et al: Wildlife and Marine Resources)  
64, K 227

- HB 481-FN**, relative to penalties for unlicensed practice of regulated occupations and professions. (Mirski, Graf 12: Executive Departments and Administration)  
64, K 303
- HB 482**, relative to a study of tolls on the turnpike system. (Bradley, Carr 8; et al: Public Works and Highways)  
64, K 327
- HB 483-FN-L**, relative to restricting the authority of the state board of education to adopt minimum standards for public school approval. (Weyler, Rock 18; et al: Education)  
64, K 490
- HB 484**, relative to the registration of alternative providers of naturopathic care. (Dyer, Hills 8: Executive Departments and Administration)  
64, K 318
- HB 485-FN**, relative to the calculation of unemployment compensation benefits. (Turner, Belk 7: Labor, Industrial and Rehabilitative Services)  
64, am & Finance 382-383, psd 559, 643, S conc 903, enr am 1045, enr 1151 (Chapter 206)
- HB 486-FN-A**, relative to the physician effectiveness program. (Pilliod, Belk 3; et al: Health, Human Services and Elderly Affairs)  
64, am & Finance 268-269, am 559-560, psd 643, S conc 1048, enr 1151 (Chapter 207)
- HB 487**, relative to the adoption of bonds or notes in certain school districts and municipalities. (Estabrook, Straf 8; et al: Education)  
64, SO 531, am & psd (2 RCs) 569-575, recon rej (RC) 640-642, psd 643, S conc 903, enr 904 (Chapter 134)
- HB 488**, relative to the definition of certain disabilities in the provision of special education services. (M. Fuller Clark, Rock 36; et al: Education)  
**new title:** relative to the definition of a developmentally delayed child in the provision of special education services.  
64, am & Finance 266-267, psd 517, 545, S conc 823, enr 824 (Chapter 107)
- HB 489-FN-A**, exempting certain transfers to or from a revocable trust from the real estate transfer tax. (T. Reardon, Merr 23; et al: Finance)  
64, K 303
- HB 490**, enabling cities to permit the mayor to vote at city council meetings. (Gilmore, Straf 11; et al: Municipal and County Government)  
64, am 223, psd 258, S conc 440, enr 511 (Chapter 27)
- HB 491**, requiring the department of safety to conduct all qualifying examinations of individuals seeking driver's licenses. (Gleason, Rock 13; et al: Transportation)  
**new title:** relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements.  
64, am 372-373, psd 423, nonconc S am, conf 828, 982, rep adop (RC) 1134-1137, enr am 1154-1155, enr 1159 (Chapter 290)
- HB 492-FN-A-L**, reducing the state bond guarantee limit for wastewater projects. (Royce, Ches 9: Finance)  
64, psd 322, 352, conc S am 1048, enr 1154 (Chapter 234)
- HB 493-FN**, relative to alteration of sample ballots. (Burling, Sull 1; et al: Election Law)  
64, Com 841
- HB 494-FN-A**, making an appropriation to the department of cultural resources for the purpose of funding participation of the state in the Smithsonian Festival of American Folklife. (Alukonis, Hills 23; et al: Finance)  
64, am 322, psd 352, S conc 823, enr 824 (Chapter 128)
- HB 495-FN-A**, relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee. (Holbrook, Belk 7: Finance)

**new title:** relative to reauthorizing the motor oil discharge cleanup fund and increasing the fuel oil discharge cleanup fund fee, allowing coverage for discharge prevention, and allowing reimbursement for replacing substandard tanks.

64, am 322-323, psd 352, S conc 903, enr 1046 (Chapter 164)

**HB 496-FN-L**, relative to increasing the minimum number of hours required for novice drivers enrolled in driver's education programs. (Gleason, Rock 13; et al: Transportation)

64, K 373

**HB 497-FN-A**, relative to family literacy planning grants and making an appropriation therefor. (Gile, Merr 16; et al: Education)

64, am & Finance 274-275, K (RC) 777-779, recon rej (RC) 854-856

**HB 498-FN**, establishing a special education catastrophic aid fund. (O'Hearn, Hills 26: Education)

**new title:** establishing a special education catastrophic aid fund and relative to exempting certain unexpected catastrophic special education expenses from the provisions of the municipal budget law.

64, am & Finance 491-492, K 987

**HB 499-FN**, relative to payment by the state of the cost of medical insurance benefits for certain New Hampshire retirement system members. (Soltani, Merr 10: Executive Departments and Administration)

64, Com 609-610

**HB 500**, not introduced

**HB 501-FN-A**, relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton, and making an appropriation therefor. (Kennedy, Merr 7; et al: Public Works and Highways)

**new title:** relative to the repair of certain covered railroad bridge in Contoocook village in the town of Hopkinton.

64, rem 216, rcmt 257-258, am & Finance 480-481, am 862, psd 901, S conc 1162, enr am 1169, enr 1212 (Chapter 340)

**HB 502-FN**, subjecting all rules promulgated and administrative actions taken by lower courts to review and approval by the legislature. (Mirski, Graf 12: Judiciary)

65, K 304

**HB 503-FN-L**, relative to the authorized regional enrollment area agreement in Conway. (Howard, Carr 10: Education)

**new title:** relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

65, am 682-683, psd 744, S LT, Clerk's note 1214, 1226

**HB 504**, establishing a sludge advisory board and relative to sludge quality standards. (Melcher, Hills 11; et al: Environment and Agriculture)

65, K 405

**HB 505-FN**, establishing a special license plate for veterans. (Heon, Straf 14; et al: Transportation)

65, rcmt 638-639, Com 754

**HB 506-FN-L**, relative to voter registration. (J. Pratt, Ches 2: Election Law)

65, K 748

**HB 507-L**, relative to the taxability of certain appurtenant land to a taxable building. (Foster, Hills 10; et al: Municipal and County Government)

65, Com 521

**HB 508**, relative to the nude photography of 16 and 17 year old subjects. (Packard, Rock 29: Criminal Justice and Public Safety)

65, K 515

**HB 509**, relative to requirements in order to obtain a private detective license. (Avery, Ches 8: Criminal Justice and Public Safety)

65, K 302-303



- HB 510-FN**, relative to monitoring aerial spraying of herbicides. (B. Hall, Hills 20; et al: Environment and Agriculture)  
65, rcmt 432, K 704
- HB 511**, relative to the sale of certain mixed or prepared alcohol products. (Dickinson, Carr 2; et al: Commerce)  
65, K 513
- HB 512**, relative to limiting work hours for 16 and 17-year old persons enrolled in school. (Pitts, Rock 35: Labor, Industrial and Rehabilitative Services)  
65, rem 668, K (RC) 741-743
- HB 513**, relative to approved permissible fireworks. (Hunter, Hills 7; et al: Criminal Justice and Public Safety)  
65, psd 217, 258, conc S am 551, enr 745 (Chapter 69)
- HB 514-L**, establishing open enrollment provisions in the school districts of the state. (Hunt, Ches 10: Education)  
65, Com 492
- HB 515**, extending the indemnification of persons providing clinical services to the department of health and human services. (Dyer, Hills 8; et al: Judiciary)  
65, psd 221, 258, S conc 547, enr 550 (Chapter 50)
- HB 516**, exempting the New Hampshire retirement system from rulemaking for procedures concerning the retirement fund investment objectives and guidelines. (Dyer, Hills 8; et al: Executive Departments and Administration)  
65, K 377
- HB 517**, relative to insurance coverage for alcoholism treatment. (Taylor, Straf 11; et al: Commerce)  
66, K 265
- HB 518-FN-L**, relative to a joint maintenance agreement to build a single high school involving the towns of Northwood, Nottingham, and Strafford. (R. Johnson, Rock 1; et al: Education)  
66, rcmt 531, K 683
- HB 519-L**, relative to the liability of governmental units for personal injury or property damage arising out of police pursuit of individuals or vehicles operated by such individuals. (L. Jean, Hills 17: Judiciary)  
**new title:** requiring law enforcement agencies to adopt written policies regarding emergency responses and vehicular pursuits.  
66, am 433-434, psd 438, conc S am 860, enr 1046 (Chapter 171)
- HB 520**, relative to an open season for chukar partridge. (Rogers, Straf 15: Wildlife and Marine Resources)  
66, psd 227, 259, S conc 510, enr 511 (Chapter 28)
- HB 521-L**, exempting initial bond issues from the 10 percent limitation on exceeding appropriations recommended by the budget committee. (Cooney, Rock 26; et al: Municipal and County Government)  
66, Com 753
- HB 522**, relative to the public's access to sex offender registry information. (Brothers, Graf 6: Criminal Justice and Public Safety)  
66, rem 356, Com (RC) 416-419
- HB 523**, relative to the terms of office of county officers. (E. Smith, Ches 6; et al: Municipal and County Government)  
66, K 305-306
- HB 524**, increasing the membership on the board of professional engineers. (Alger, Graf 9; et al: Executive Departments and Administration)  
**new title:** increasing the alternate members on the public employee labor relations board.  
66, am 672-673, psd 744, S conc 904, enr 982 (Chapter 156)

- HB 525-FN**, relative to prisoner of war license plates. (M. Downing, Rock 26; et al: Transportation)  
**new title:** relative to special number plates for certain veterans.  
66, am 639-640, psd 644, conc S am 1121, enr 1159 (Chapter 291)
- HB 526**, limiting fees charged by financial institutions for use of electronic customer service terminals. (A. Pelletier, Straf 12; et al: Commerce)  
66, K 530
- HB 527**, relative to the duties of the public utilities commission. (Bradley, Carr 8: Science, Technology and Energy)  
66, am 385-388, psd 423, conc S am 828, enr 902, veto sustained (RC) 1146-1148
- HB 528**, adding penalty provisions to the unfair claim settlement practices by insurers law. (Keans, Straf 16; et al: Commerce)  
66, Com 513
- HB 529**, requiring all postsecondary institutions to report all assaults to local police departments. (Gilman, Graf 1: Education)  
66, K 492
- HB 530**, establishing a committee to review the policies and procedures of the joint health council. (Copenhaver, Graf 10: Health, Human Services and Elderly Affairs)  
66, psd 304, 310, S conc 547, enr 551, appointments 1230 (Chapter 51)
- HB 531**, allowing a governing body to grant a veteran's exemption in certain circumstances. (Salatiello, Belk 2: Municipal and County Government)  
66, K 223
- HB 532**, establishing a commission to study early childhood education. (Kurk, Hills 5; et al: Education)  
**new title:** establishing a commission to study early childhood education and ratifying the East Kingston school district annual meeting held on March 6, 1999.  
66, am 515-516, psd 545, conc S am 860, enr 904, appointments 1230 (Chapter 135)
- HB 533-FN**, changing the composition of the liquor commission. (Burling, Sull 1: Executive Departments and Administration)  
66, K (RC) 704-707
- HB 534**, eliminating party designations in the election of party officers. (Rollo, Straf 10: Election Law)  
66, K 533
- HB 535**, establishing a committee to study the creation of a department of natural resources. (M. Fuller Clark, Rock 36; et al: Executive Departments and Administration)  
**new title:** establishing a committee to study the department of resources and economic development.  
66, am 478-479, psd 508, S conc 745, enr 823, appointments 1230 (Chapter 92)
- HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. (Bradley, Carr 8; et al: Municipal and County Government)  
66, am & LT rej 737-738, recon & SO 743-744, LT 812, S Ct opin req (HR 12), Clerk's note 1214, 1226
- HB 537**, relative to background checks for firearms purchases. (Pepino, Hills 40; et al: Criminal Justice and Public Safety)  
66, am & Finance 361-362, rem 906, psd (RC) 971-973, 980, S conc 1162, enr am & enr 1169 (Chapter 336)
- HB 538**, establishing a committee to study the new construction and repair of New Hampshire commemorative monuments at certain Civil War battle sites. (Letourneau, Rock 13; et al: State-Federal Relations and Veterans Affairs)  
66, psd 485, 508, S conc 823, enr 824, appointments 1230 (Chapter 129)
- HB 539-FN**, relative to public access to Squam Lake. (Mirski, Graf 12; et al: Resources, Recreation and Development)  
66, Com 370

- HB 540**, relative to court diversion programs. (McRae, Hills 7; et al: Children and Family Law)  
67, K 301
- HB 541**, establishing a committee to study the upgrade of Routes 11 and 140. (Leone, Sull 2; et al: Public Works and Highways)  
67, psd 383, 423, conc S am 828, enr 902, appointments 1230 (Chapter 145)
- HB 542-FN-A**, relative to the rate of and exemptions from the legacies and succession tax. (McGuirk, Ches 1; et al: Finance)  
**new title**: relative to the rate of the legacies and succession tax.  
**2<sup>nd</sup> new title**: repealing the legacies and succession tax.  
67, am & recon rej (4 RCs) 871-882, psd 901, S Com 905, Clerk's note 1215, 1226
- HB 543**, relative to fill and dredge permits for breakwaters. (D. Lawton, Belk 1; et al: Resources, Recreation and Development)  
67, Com 225
- HB 544**, relative to limitations on landowner liability. (Eaton, Graf 1; et al: Judiciary)  
67, K 369
- HB 545-FN**, relative to ambulatory surgical facilities. (Wendelboe, Belk 2; et al: Health, Human Services and Elderly Affairs)  
**new title**: establishing a committee to study ambulatory surgical facilities.  
67, am 731-732, psd 744, S conc 1048, enr 1154, appointments 1230 (Chapter 235)
- HB 546-FN-A**, providing partial funding to support research monitoring groundwater at reclamation sites that have had sludge applied. (Robb-Theroux, Sull 9; et al: Resources, Recreation and Development)  
67, am & Finance 410-411, psd 560, 643, S conc 982, enr 1151 (Chapter 208)
- HB 547-L**, changing the state primary election day to the first Saturday after Labor Day. (M. Fuller Clark, Rock 36; et al: Election Law)  
67, K 760
- HB 548-A**, making a capital appropriation for the construction of the Plaistow district courthouse. (Major, Rock 16; et al: Public Works and Highways)  
67, K 224
- HB 549-L**, relative to the minimum vote required for bond issues by municipalities. (Sabella, Rock 13; et al: Municipal and County Government)  
67, am & LT (3 RCs) 285-293, Clerk's note 1214, 1226
- HB 550-L**, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting. (Lynde, Hills 24: Municipal and County Government)  
67, rem 301, LT 337, Clerk's note 1214, 1226
- HB 551**, relative to employers who are subject to state law against discrimination. (Soltani, Merr 10; et al: Judiciary)  
**new title**: revising the definition of "employer" under the employment discrimination laws of the state.  
67, remt 535, am 594-595, psd 643, S nonconc 1114
- HB 552**, relative to the issuance of crossbow permits to persons with a permanent physical disability. (Cobb, Graf 5: Wildlife and Marine Resources)  
67, am 310, psd 311, S conc 823, enr 824 (Chapter 108)
- HB 553-FN-A**, establishing a commission on the status of men, and making an appropriation therefor. (Bickford, Straf 1; et al: Executive Departments and Administration)  
**new title**: establishing a commission on the status of men.  
67, Finance (RC) 495-498, am (RC) 1009-1011, psd 1043, S Com 1162
- HB 554**, relative to driver education reciprocity. (Major, Rock 16; et al: Transportation)  
67, am 373, psd 423, S conc 823, enr 824 (Chapter 130)

- HB 555**, relative to representation of a child during child interviews. (Mirski, Graf 12: Children and Family Law)  
67, Com 301
- HB 556-FN**, relative to transporting hazardous waste. (Musler, Straf 6: Environment and Agriculture)  
68, psd 364, 423, S conc 547, enr am 549, enr 645 (Chapter 52)
- HB 557-FN**, relative to hazardous waste permitting and container identification. (Musler, Straf 6: Environment and Agriculture)  
68, psd 405, 423, S conc 547, enr 645 (Chapter 53)
- HB 558-FN**, relative to solid waste management. (Musler, Straf 6: Environment and Agriculture)  
68, am 318, psd 352, S conc 547, enr 551 (Chapter 54)
- HB 559-FN-A**, authorizing vanity plates or decals for OHRV registrations. (Mock, Carr 3: Transportation)  
68, am & Finance 373-374, psd 534, 546, S conc 1113, enr 1154 (Chapter 259)
- HB 560-FN**, relative to the suspension or revocation of youth operators' licenses. (Lyman, Carr 5: et al: Transportation)  
68, Com 564
- HB 561-FN**, reducing lab analysis fees of chemical analyses of water. (Royce, Ches 9: Resources, Recreation and Development)  
68, Finance 411, psd 534, 546, S conc 904, enr 1046 (Chapter 172)
- HB 562**, relative to the date of decision for appeals of zoning matters. (K. Marshall, Merr 4; et al: Municipal and County Government)  
**new title:** establishing a committee to study the date of decision for appeals of zoning matters.  
68, am 521-522, psd 546, nonconc S am, conf 1045, 1115, rules suspended 1112, rep adop 1130, enr am 1153, enr 1159, appointments 1230 (Chapter 292)
- HB 563**, relative to names of limited liability partnerships and companies. (Flanagan, Rock 14: Commerce)  
**new title:** relative to names of limited liability partnerships and companies and cooperative associations.  
68, am 359-361, psd 423, rules suspended 1112, nonconc S am, conf 1116, 1117, rep adop 1130, enr am 1155, enr 1159 (Chapter 293)
- HB 564-FN-L**, repealing the authority of the chief justice of the supreme court to assign superior court judges to hear cases in the district court, and reducing the judicial branch budget for jury trials in the district courts. (Pepino, Hills 40; et al: Judiciary)  
68, K 269
- HB 565**, relative to the disclosure of certain information by the department of health and human services and relative to the disclosure of the identity of a person filing a report of child abuse or neglect. (Wendelboe, Belk 2: Children and Family Law)  
68, K 356
- HB 566**, relative to the supervision of the driver education program. (Gleason, Rock 13; et al: Transportation)  
68, psd 415, 424, conc S am 828, enr am 903, enr 982 (Chapter 157)
- HB 567**, encouraging alternative dispute resolution in certain domestic relations and CHINS proceedings. (Ham, Graf 4: Children and Family Law)  
68, K 262
- HB 568**, establishing a review panel to review judicial officers. (Soltani, Merr 10; et al: Judiciary)  
68, Com 369
- HB 569**, relative to the tax credit for service-connected total disability. (Milligan, Hills 18; et al: Municipal and County Government)  
68, Com 306

- HB 570**, restricting a presiding judge's authority to interrupt jury deliberations. (McCarthy, Hills 41: Judiciary)  
68, psd 380, 423, S nonconc 904
- HB 571**, relative to joint legal and physical custody of children. (Bickford, Straf 1: Children and Family Law)  
68, Com 262
- HB 572-FN-A**, relative to the apportionment provisions of the business profits tax. (Mercer, Hills 27; et al: Finance)  
68, psd 323, 352, S conc 1212, enr 1213 (Chapter 346)
- HB 573**, clarifying the status of class VI highways. (Chandler, Carr 1; et al: Public Works and Highways)  
68, psd 383, 423, S conc 823, enr 824 (Chapter 113)
- HB 574-FN-A**, establishing a fisheries habitat stamp required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats. (Abbott, Rock 19; et al: Wildlife and Marine Resources)  
**new title:** establishing a fisheries habitat fee required for persons obtaining a fishing license and continually appropriating the funds for fisheries habitats.  
68, am & Finance 293-294, psd 627, 644, S conc 982, enr 1151 (Chapter 209)
- HB 575**, limiting railroad liability for passenger and tourist rail service. (G. Katsakiores, Rock 13; et al: Judiciary)  
68, Com 369
- HB 576-FN-A**, establishing additional staff positions for child impact seminars, and making an appropriation therefor. (Wallner, Merr 24; et al: Children and Family Law)  
**new title:** establishing additional staff positions for statewide child custody and support impact seminars, and making an appropriation therefor.  
68, am & Finance 313, am 726-727, psd 744, S conc 1114, enr am 1155, enr 1159 (Chapter 294)
- HB 577**, relative to the power of a school district to expend catastrophic special education funds. (O'Hearn, Hills 26; et al: Education)  
**new title:** relative to the power of a school district to expend catastrophic special education funds and relative to the exemption of certain unexpected catastrophic special education expenses from the provisions of the municipal budget law.  
68, am & Finance 478, am 987, psd 1043, conc S am 1168, enr 1212 (Chapter 341)
- HB 578**, relative to a recovery against a third party related to a workers' compensation claim. (Keans, Straf 16; et al: Labor, Industrial and Rehabilitative Services)  
69, rcmt 500, K 735
- HB 579-FN**, relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce. (R. Hutchinson, Rock 8; et al: Labor, Industrial and Rehabilitative Services)  
69, Com 560
- HB 580-FN-A-L**, creating a new tourism district and making an appropriation therefor. (Avery, Ches 8; et al: Resources, Recreation and Development)  
69, Com 385
- HB 581-L**, relative to deposits on water meters. (Bradley, Carr 8; et al: Science, Technology and Energy)  
**new title:** relative to deposits on utility meters.  
69, am 523-524, psd 546, S nonconc 1048
- HB 582**, eliminating the funding of athletic scholarships by institutions within the university system of New Hampshire. (Rosen, Belk 7; et al: Education)  
69, K 364
- HB 583**, extending the reporting date for the committee studying the issue of updating New Hampshire laws related to fences. (Patten, Carr 9; et al: Municipal and County Government)  
69, am 306, psd 311, S conc 645, enr 745 (Chapter 74)

- HB 584-FN**, relative to administrative license suspensions. (Letourneau, Rock 13; et al: Criminal Justice and Public Safety)  
69, am 553-554, psd 643, rules suspended 1112, nonconc S am, conf 1116, 1117, rep adop 1130, enr 1159 (Chapter 295)
- HB 585**, relative to preserving the use of state park lands for their original purposes. (Wiggins, Sull 4; et al: Resources, Recreation and Development)  
69, rem 512, K (RC) 536-538
- HB 586**, clarifying certain terms relative to the practice of chiropractic. (Robb-Theroux, Sull 9; et al: Executive Departments and Administration)  
**new title:** relative to rulemaking authority of the board of chiropractic examiners and unlawful practice of chiropractic.  
69, am 673-674, psd 744, S conc 904, enr 1046 (Chapter 173)
- HB 587**, relative to form of records of property with registers of deeds. (Keans, Straf 16: Municipal and County Government)  
69, K 306
- HB 588-FN-L**, relative to county expenditures for children at the youth development center. (Wallin, Merr 15; et al: Children and Family Law)  
69, K (RC) 388-390
- HB 589-FN-L**, mandating a cap on municipal registration fees for recreational vehicles. (Fenton, Hills 24: Transportation)  
69, K 309
- HB 590-L**, relative to the use by a school district of proceeds from an educational trust fund. (Christiansen, Hills 23: Education)  
69, K 267
- HB 591-FN**, permitting certain village districts to become eligible for state highway aid apportionment. (Philbrick, Carr 4: Public Works and Highways)  
70, K 383-384
- HB 592**, creating a study committee regarding requirements for and usage of methyl t-butyl ether. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
70, am 371-372, psd 423, S conc 547, enr 645, appointments 1230 (Chapter 55)
- HB 593-FN-L**, relative to the classification of class VI roads which have been maintained by a town. (MacGillivray, Hills 21: Public Works and Highways)  
70, am 384, psd 423, S conc 823, enr 824 (Chapter 109)
- HB 594**, prohibiting the introduction of zebra mussels and other exotic aquatic animals in New Hampshire. (Cooney, Rock 26; et al: Resources, Recreation and Development)  
70, K 225
- HB 595-L**, enabling municipalities to grant the elderly property tax exemption to an additional person in a household. (Akins, Graf 14: Municipal and County Government)  
70, Com 306
- HB 596**, making technical corrections to certain laws administered by the department of revenue administration. (Alukonis, Hills 23: Finance)  
**new title:** making technical corrections to certain laws administered by the department of revenue administration and extending the temporary tax rate of the communications services tax through the biennium ending June 30, 2001.  
**2<sup>nd</sup> new title:** making technical corrections to certain laws administered by the department of revenue administration, making the temporary rate of the meals and rooms tax permanent, and extending the temporary tax rate of the communications services tax through the biennium ending June 30, 2001.  
70, am 627-628, psd 644, conc S am 1048, enr 1118 (Chapter 163)
- HB 597-FN-A**, making an appropriation to install certain safety equipment in residential care facilities. (Dyer, Hills 8; et al: Health, Human Services and Elderly Affairs)  
70, K 378

- HB 598-FN**, relative to the licensure of x-ray technicians. (Rubin, Rock 25; Executive Departments and Administration)  
70, Com 366
- HB 599-FN-A**, relative to initiating a centralized voter checklist and making an appropriation therefor. (Buckley, Hills 44; et al: Executive Departments and Administration)  
**new title:** establishing a committee to study the integration of technology at the state, county, and municipal levels.  
70, am 961-962, psd 980, S nonconc 1162
- HB 600**, not introduced
- HB 601**, allowing the assistant commissioner of corrections to act on behalf of the commissioner in the commissioner's absence, establishing a term of appointment for the commissioner of corrections, and correcting out-of-date references and phraseology pertaining to the department of corrections. (Lozeau, Hills 30; et al: Executive Departments and Administration)  
**new title:** allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, and correcting out-of-date references and phraseology pertaining to the department of corrections.  
**2<sup>nd</sup> new title:** allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, correcting out-of-date references and phraseology pertaining to the department of corrections, adding the position of warden of the Northern New Hampshire Correctional Facility to the unclassified system, and changing the personnel group status of the warden of the lakes region facility.  
**3<sup>rd</sup> new title:** allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, correcting out-of-date references and phraseology pertaining to the department of corrections, adding the position of warden of the Northern New Hampshire Correctional Facility to the unclassified system, replacing the superintendent of the lakes region facility with a warden in the salary classification table and replacing the superintendent of the New Hampshire state prison for women with a warden in the salary classification table.  
**4<sup>th</sup> new title:** allowing the assistant commissioner of corrections to assume the duties of the commissioner in the event that the commissioner is unable to perform such duties, correcting out-of-date references and phraseology pertaining to the department of corrections, changing the salary group of the warden of the northern New Hampshire correctional facility in the unclassified system, replacing the superintendent of the lakes region facility with a warden in the salary classification table and replacing the superintendent of the New Hampshire state prison for women with a warden in the salary classification table.  
70, am & Finance 366-368, am 628-629, psd 644, conc S am 1145, enr am 1155-1156, enr 1159 (Chapter 296)
- HB 602-FN**, establishing the office of the health insurance consumer advocate. (Hunt, Ches 10; et al: Commerce)  
**new title:** establishing the position of health insurance consumer assistant.  
70, am & Finance 530-531, psd 882-883, 901, S nonconc 1162
- HB 603**, relative to the performance audit and oversight committee. (Lozeau, Hills 30; et al: Legislative Administration)  
96, psd 305, 310, S nonconc 1145
- HB 604**, relative to filling a vacancy in the office of county commissioner. (M. Whalley, Merr 5: Municipal and County Government)  
96, psd 306, 311, conc S am 861, enr 1046 (Chapter 174)
- HB 605-FN**, affirming sovereign immunity as it relates to the state's computers and computer software and programs and granting the state board of claims jurisdiction over claims against the state arising out of computer-related problems. (N. Kaen, Straf 7; et al: Judiciary)  
**new title:** affirming sovereign immunity for the state and its political subdivisions as it relates to the "year 2000 problem".  
96, rem & rcmt 419-420, am 615-616, psd 644, S nonconc 1114

**HB 606-FN**, relative to compensation for law enforcement officers who are injured in the line of duty. (Ham, Graf 4: Labor, Industrial and Rehabilitative Services)

**new title:** relative to managed care programs under workers' compensation and relative to certain members of the compensation appeals board.

96, am 736-737, psd 744, S conc 982, enr 1151 (Chapter 210)

**HB 607**, relative to the contents of the certificate of divorce. (Bickford, Straf 1: Children and Family Law)

96, K 262

**HB 608-FN-A**, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor. (Alger, Graf 9; et al: Finance)

96, am 611, psd 644, S conc 1114, enr 1154 (Chapter 260)

**HB 609**, relative to construction of a sewer force main through a state land conservation easement. (Flint, Sull 4; et al: Public Works and Highways)

96, am 562-563, psd 643, S conc 904, enr 1046 (Chapter 175)

**HB 610-FN-A-L**, prohibiting the use of wheeled OHRVs on trails maintained by the bureau of trails during the winter. (Christiansen, Hills 23: Transportation)

96, com changed 163, K 370

**HB 611**, relative to performance standards for telephone companies providing noncompetitive services. (MacGillivray, Hills 21; et al: Science, Technology and Energy)

96, Com 415

**HB 612-FN**, relative to compensation paid to jurors. (MacGillivray, Hills 21; et al: Judiciary)

96, Finance 221, am & LT 727-728, Clerk's note 1214, 1226

**HB 613-FN-L**, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission. (Burling, Sull 1; et al: Executive Departments and Administration)

101, Com 578

**HB 614-FN-L**, requiring the department of health and human services to pay for certain costs of providing special education services. (Mirski, Graf 12: Education)

101, K 398

**HB 615-FN-A**, establishing a brain and spinal cord injury trust fund and continually appropriating a special fund. (Boyce, Belk 5; et al: Health, Human Services and Elderly Affairs)

**new title:** establishing a brain and spinal cord injury trust fund and continually appropriating a special fund and establishing a registry for brain and spinal cord injuries.

**2<sup>nd</sup> new title:** establishing a registry for brain and spinal cord injuries.

**3<sup>rd</sup> new title:** establishing a registry for brain and spinal cord injuries and making appropriations to the department of resources and economic development and the governor's commission on disability.

101, am & Finance 732-734, am 1108-1109, psd 1113 Clerk's note 1215, nonconc S am, conf 1215, 1219, rules suspended and rep adop 1224, enr am 1225-1226, enr 1226 (Chapter 349)

**HB 616-FN-A**, relative to providing tuition funds to students participating in private driver education courses from the driver training fund. (Gleason, Rock 13; et al: Transportation)

**new title:** relative to providing funds to certified driver education courses from the driver training fund.

**2<sup>nd</sup> new title:** establishing a house study committee to consider issues related to the driver training fund.

**3<sup>rd</sup> new title:** establishing a house study committee to consider issues related to the driver training fund and exempting persons covered under the Americans with Disabilities Act from certain driver's license requirements.

101, am & Finance 437-438, am 593-594, psd 643, rules suspended 1112, nonconc S am, conf 1117, rep adop 1137, enr am 1156-1157, enr 1159, appointments 1230 (Chapter 297)

**HB 617-FN-A-L**, relative to funding and monitoring seacoast harbor issues. (Leber, Merr 1; et al: Public Works and Highways)

102, Finance 327-328, rem 552, rcmt 667-668, Com 1011



- HB 618-FN-A**, establishing a voucher program for smoking cessation and continually appropriating a special fund. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)  
102, Finance 433, Com 987
- HB 619-FN**, requiring the commissioner of health and human services to produce certain quarterly reports. (Wallner, Merr 24: Finance)  
**new title:** requiring the commissioner of health and human services to produce certain annual reports.  
102, am 303-304, psd 310, S conc 823, enr 824 (Chapter 110)
- HB 620-FN**, relative to election of vested deferred retirement status for inactive members of the retirement system. (Dyer, Hills 8; et al: Executive Departments and Administration)  
102, am 377-378, psd 423, S conc 548, enr 645 (Chapter 56)
- HB 621-FN-L**, reducing the tolls on New Hampshire highways by 25 cents. (Arthur, Hills 18; et al: Public Works and Highways)  
102, K 253
- HB 622-FN**, relative to a school district's duty to provide education. (Soltani, Merr 10; et al: Children and Family Law)  
102, K 217
- HB 623-FN**, increasing the mileage reimbursement rate for members of the legislature. (Guay, Coos 6; et al: Legislative Administration)  
102, K 324
- HB 624-FN**, establishing a health care quality commission. (K. Herman, Hills 13: Health, Human Services and Elderly Affairs)  
**new title:** establishing a committee relative to health care quality.  
102, am 379, psd 423, S conc 823, enr 824, appointments 1231 (Chapter 114)
- HB 625-FN-A**, relative to a mercury emissions reduction and control program. (Bradley, Carr 8; et al: Science, Technology and Energy)  
**new title:** relative to a mercury emissions reduction and control program and a study of mercury in ash landfills.  
102, am & Finance 500-504, am 1011-1012, psd 1043, Clerk's note 1215, nonconc S am, conf 1215, 1219, rules suspended & rep adop 1224, enr am 1225, enr 1226 (Chapter 350)
- HB 626-FN**, relative to revising the laws regulating accountancy. (M. Whalley, Merr 5; et al: Executive Departments and Administration)  
102, am 578-593, psd 643, conc S am 1120, enr 1154 (Chapter 236)
- HB 627-FN-A**, relative to establishing a differential between special fuel and gasoline taxes. (MacGillivray, Hills 21; et al: Public Works and Highways)  
102, K 500
- HB 628**, relative to the relocation of the principal residence of a child. (Wallin, Merr 15; et al: Children and Family Law)  
102, Com 262
- HB 629**, relative to establishing weekly "no hunting" days. (Riley, Ches 7; et al: Wildlife and Marine Resources)  
102, rem 216, K 258
- HB 630-FN-L**, relative to the Skyhaven airport transfer plan. (Leber, Merr 1; et al: Public Works and Highways)  
102, am & Finance 626, Com 988
- HB 631-FN**, authorizing the department of safety to issue photographic identification cards to persons required to have criminal background checks for employment or other lawful purposes. (Welch, Rock 18; et al: Criminal Justice and Public Safety)  
102, Com 477-478

- HB 632-FN-A**, directing a portion of fees for copies of motor vehicle records to be deposited in a nonlapsing account within the department of safety, division of fire standards and training. (Welch, Rock 18; et al: Finance)  
102, K 368
- HB 633-FN-L**, establishing parental choice scholarships. (Rabideau, Rock 16; et al: Education)  
102, am, recon, psd & LT rej (4 RCs) 683-696, psd 744, S nonconc 1114
- HB 634-FN**, eliminating the requirement that retirement system disability recipients notify the board of trustees of unreduced social security disability benefits. (Dyer, Hills 8; et al: Executive Departments and Administration)  
103, psd 406, 423, S conc 548, enr 645 (Chapter 57)
- HB 635-FN-L**, establishing January 4, 2000 as a legal holiday in the state to be known as "Year 2000 Day." (Pitts, Rock 35: Executive Departments and Administration)  
103, K 406
- HB 636-FN**, relative to public safety employee collective bargaining negotiations under the public employee labor relations act. (Kelley, Rock 22: Labor, Industrial and Rehabilitative Services)  
103, Com 737
- HB 637-FN**, including persons who make medical decisions as practicing medicine. (Pilliod, Belk 3; et al: Commerce)  
103, Com 552
- HB 638-FN**, authorizing a limited license for certain travel agents. (Hunt, Ches 10: Commerce)  
103, psd 265, 296, S conc 548, enr 645 (Chapter 58)
- HB 639-FN**, relative to motor vehicle registration fees for antique motor vehicles and motorcycles. (Letourneau, Rock 13; et al: Transportation)  
133, am & Finance 415-416, psd 534, 546, S nonconc 1114
- HB 640-FN**, relative to grievance procedures of managed care organizations. (Hunt, Ches 10: Commerce)  
133, am 678-682, psd 744, S Com 1114
- HB 641-L**, clarifying the value of public utility property for property tax purposes. (MacGillivray, Hills 21: Municipal and County Government)  
133, Com 270
- HB 642-FN**, relative to the availability of trails under the jurisdiction of the department of resources and economic development. (Babson, Carr 5: Resources, Recreation and Development)  
133, K 370
- HB 643-FN-A-L**, transferring the regulation of emergency medical services from the department of health and human services to the department of safety. (McGough, Hills 18; et al: Executive Departments and Administration)  
133, am & Finance 707-719, am 1012-1013, psd 1043, S conc 1212, enr am & enr 1213 (Chapter 345)
- HB 644-FN-A-L**, authorizing the operation of electronic games of chance at pari-mutuel licensee locations. (Vaillancourt, Hills 44: Finance)  
133, IP (3 RCs) 629-637
- HB 645-FN**, relative to funding for the telecommunications assistance program. (E. Gagnon, Hills 48; et al: Science, Technology and Energy)  
**new title:** relative to telecommunications equipment assistance and the enhanced 911 system.  
133, am & Finance 483-485, am 883, psd 901, S conc 1162, enr 1169 (Chapter 337)
- HB 646-FN**, relative to the vesting period for New Hampshire retirement system benefits. (Dwyer, Hills 43: Executive Departments and Administration)  
133, rem 473, K 508
- HB 647-FN**, relative to health care providers and provider agreements with health insurers. (Gilman, Graf 1: Commerce)  
133, Com (RC) 566-569

- HB 648-FN**, relative to a sludge testing program. (B. Hall, Hills 20: Environment and Agriculture) 133, Com 478
- HB 649-FN**, relative to air pollution emissions from small, high-polluting electricity generators. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
**new title**: relative to nitrogen oxide emissions from electricity generation. 133, am & Finance (RC) 812-817, am 1013, psd 1043, conc S am 1211, enr am 1213, enr 1214 (Chapter 343)
- HB 650-FN-A**, relative to alcohol and drug abuse prevention and making an appropriation therefor. (Leber, Merr 1; et al: Executive Departments and Administration)  
**new title**: establishing a committee to study the structure of alcohol and drug abuse prevention services. 134, am 498-499, psd 508, S conc 1048, enr 1154, appointments 1231 (Chapter 237)
- HB 651**, revising the speed limit law. (Chandler, Carr 1; et al: Transportation) 134, am 374-375, psd 423, S conc 645, enr 745 (Chapter 73)
- HB 652-FN**, relative to victims' assistance, penalty assessments on criminal offenses, and establishing a victims fund which is continually appropriated for district court victim-witness programs. (Lozeau, Hills 30; et al: Criminal Justice and Public Safety)  
**new title**: relative to victims' assistance, penalty assessments on criminal offenses, and establishing a surcharge on items sold at state prison commissaries which is continually appropriated to the victims' assistance fund. 134, am & Finance 375-376, am 637-638, psd 644, S conc 1114, enr 1154 (Chapter 261)
- HB 653-FN-A**, increasing the personal needs allowance of nursing home residents and certain other residents and making an appropriation therefor. (Downing, Rock 26; et al: Finance)  
**new title**: increasing the personal needs allowance of nursing home residents and residents of residential care facilities and community residences and making an appropriation therefor. 134, am 883-884, psd 901, S conc 1145, enr 1159 (Chapter 298)
- HB 654-FN-L**, relative to the disposition or sentencing of persons under 18 years of age who commit certain crimes. (Gilman, Graf 1: Children and Family Law) 134, K 375
- HB 655-FN-A**, making an appropriation from the highway fund to pay the interest and principal on bonds issued for the Cheshire Bridge. (Young, Sull 6; et al: Public Works and Highways) 134, rem 216, K 258
- HB 656**, relative to the use of personal watercraft on Beaver Lake in the town of Derry. (Langone, Rock 13; et al: Transportation) 134, K 331
- HB 657-FN**, relative to the health services planning and review board. (Emerton, Hills 7; et al: Health, Human Services and Elderly Affairs)  
**new title**: relative to the health services planning and review board and the certificate of need process. 134, SO 734, am 754-756, psd 821, S nonconc 1048
- HB 658-FN**, relative to certification and registration requirements for recovery agents who assist bail agents and sureties. (Akins, Graf 14; et al: Executive Departments and Administration)  
**new title**: relative to certification, registration, and insurance requirements for recovery agents who assist bail agents and sureties. 134, am 556-557, psd 643, conc S am 1112, enr 1159 (Chapter 299)
- HB 659**, relative to the use of ski craft on the waters of the state. (Riley, Ches 7; et al: Resources, Recreation and Development) 134, K 370
- HB 660**, authorizing the New Hampshire Bar Association to assess bar dues and authorizing the supreme court to assess attorneys for professional conduct and public protection fund fees. (Mirski, Graf 12: Judiciary) 135, K (RC) 434-437

- HB 661-L**, relative to the scope of abatement appeals. (Foster, Hills 10; et al: Municipal and County Government)  
135, psd 306, 311, S nonconc 1145
- HB 662-FN**, relative to the duties of the liquor commission. (M. Fuller Clark, Rock 36; et al: Commerce)  
135, Com 575
- HB 663-L**, authorizing the granting of abatements to persons whose children are enrolled in schools other than the local public schools. (Soltani, Merr 10; et al: Municipal and County Government)  
135, K 270
- HB 664**, establishing a study committee on rights of ownership to cemetery plots. (Knowles, Straf 11: Municipal and County Government)  
135, psd 270, 296, nonconc S am, conf 858, 982, rep adop 1137, enr 1154, appointments 1231 (Chapter 262)
- HB 665**, relative to the New Hampshire emergency management compact with other jurisdictions. (Alger, Graf 9; et al: State-Federal Relations and Veterans Affairs)  
135, psd 834, 857, S conc 1048, enr am 1158, enr 1159 (Chapter 300)
- HB 666-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances. (Chandler, Carr 1; et al: Finance)  
135, am 779-786, psd 821, conc S am 1120, enr 1159 (Chapter 301)
- HB 667**, relative to the quorum required for sessions of the supreme court. (L. Jean, Hills 17; et al: Judiciary)  
135, am 380, psd 423, conc S am 861, enr 1046 (Chapter 176)
- HB 668**, adding 2 members to the board of directors of the Pease development authority. (Rubin, Rock 25; et al: Commerce)  
135, K 627
- HB 669-FN**, relative to the determination of current comparable compensation for persons with gainful earnings who receive disability retirement benefits. (Dyer, Hills 8; et al: Executive Departments and Administration)  
135, Finance 499, psd 1013, 1043, S conc 1162, enr 1168 (Chapter 333)
- HB 670**, establishing an advisory board to study the future of the New Hampshire automated information system's "Webster" Internet site. (S. Holley, Hills 28; et al: Executive Departments and Administration)  
135, am 557-558, psd 643, S conc 982, enr am 1118, enr 1154, appointments 1234-1235 (Chapter 238)
- HB 671**, adding a member to the council on resources and development. (Fuller Clark, Rock 36: Executive Departments and Administration)  
135, psd 303, 310, S conc 548, enr 645 (Chapter 59)
- HB 672-FN-A-L**, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth, and making an appropriation therefor. (Christie, Rock 22; et al: Public Works and Highways)  
**new title:** relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth.  
**2<sup>nd</sup> new title:** relative to creating a master plan for Hampton Beach and Hampton Beach state park to deal with growth.  
135, am 384, psd 423, S conc 548, enr am 549, enr 822 (Chapter 81)
- HB 673-FN-A**, establishing special number plates for emergency medical service providers and firefighters and continually appropriating fees charged for such plates to certain funds. (McGough, Hills 18; et al: Transportation)  
135, rem 552, K 668
- HB 674**, relative to the solemnization of marriages. (Robertson, Ches 18: Children and Family Law)  
136, K 301

- HB 675-FN**, extending the applicability of postsecondary educational assistance for New Hampshire national guard members and requiring an annual reporting from state-supported postsecondary institutions. (Thulander, Hills 6; et al: Education)  
136, psd 398, 423, conc S am 1040, enr 1151 (Chapter 211)
- HB 676-FN-A**, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor. (Packard, Rock 29; et al: Transportation)  
136, Finance 331-332, am (RC) 786-789, psd 821, rules suspended 1112, nonconc S am, conf 1117, 1119, rep adop 1137, enr 1159 (Chapter 302)
- HB 677-FN-L**, establishing a teacher compensation advisory board for the purpose of developing a statewide teacher compensation system. (Babson, Carr 5: Education)  
136, K 364
- HB 678**, relative to leasing of properties owned by the department of environmental services. (Royce, Ches 9: Public Works and Highways)  
136, K 384
- HB 679-FN**, requiring that certain solid waste permit applicants include an environmental impact statement as part of the permit application. (Tuthill, Sull 5: Environment and Agriculture)  
136, K 405-406
- HB 680-FN-A**, establishing a veterans' programs number plate trust fund and a special veterans' programs license plate, to support state veterans' programs (Kenney, Carr 6; et al: Transportation)  
136, K 597
- HB 681-FN**, requiring that all moneys received by the state treasurer which are not constitutionally dedicated be deposited in the general fund. (Rubin, Rock 25: Finance)  
136, K 304
- HB 682-FN-A**, establishing a statewide program for the removal of graffiti from public property. (Belvin, Hills 14: Public Works and Highways)  
136, rem 375, K 419
- HB 683-FN**, requiring teachers and school administrators to report incidents of disruptive behavior by students. (Gilman, Graf 1: Education)  
136, com changed 215, Com 515
- HB 684**, allowing the department of health and human services to accept and expend federal reimbursement funds. (Kurk, Hills 5: Finance)  
**new title:** making adjustments to the fiscal year 1999 budget for the department of health and human services.  
**2<sup>nd</sup> new title:** requiring a 2/3 vote of both houses of the general court to increase the rate of the business enterprise tax and making technical corrections to 1999, HB 117.  
136, am 841-843, psd 857, rules suspended 1112, nonconc S am, conf 1116, 1117, rep adop 1137, enr am 1157, enr 1159 (Chapter 303)
- HB 685-FN-A**, relative to the New Hampshire land and community heritage commission, and making an appropriation therefor. (Fuller Clark, Rock 36; et al: Resources, Recreation and Development)  
**new title:** relative to the duties of the New Hampshire land and community heritage commission.  
136, am & Finance 411, am 749-750, psd 821, rules suspended 1112, nonconc S am, conf 1116, 1117, 1119, rep adop 1137, enr 1154 (Chapter 263)
- HB 686-FN**, defining the state heritage collections committee's responsibilities and the process for acquiring or disposing of items and collections. (J. Wall, Straf 9; et al: Executive Departments and Administration)  
136, am 368, psd 423, S conc 548, enr 645 (Chapter 60)
- HB 687-FN**, establishing the criminal offense of identity fraud. (Hunt, Ches 10; et al: Criminal Justice and Public Safety)  
136, am 362-363, psd 423, conc S am 1048, enr 1154 (Chapter 239)

- HB 688**, relative to the custody and escheat of abandoned and unclaimed property. (Dyer, Hills 8: Executive Departments and Administration)  
136, am 674, psd 744, S conc 904, enr am 1118, enr 1151 (Chapter 212)
- HB 689-FN**, relative to campaign contributions and expenditures. (Arnold, Hills 20; et al: Election Law)  
**new title:** establishing a committee to study campaign contributions and expenditures.  
136, am 516, psd 545, nonconc S am, conf 828, 982, rep adop 1137, enr 1158, appointments 1231 (Chapter 264)
- HB 690-FN-L**, relative to establishing a state board for charter schools. (Hunt, Ches 10: Education)  
**new title:** relative to charter schools and open enrollment districts.  
136, am (RC) 699-704, psd 744, S Com 1114
- HB 691-FN**, relative to persons receiving split benefit accidental disability retirement benefit allowances. (Dyer, Hills 8; et al: Executive Departments and Administration)  
136, K 593
- HB 692-FN-A**, adopting a single sales factor method of apportionment under the business profits tax. (Mercer, Hills 27; et al: Finance)  
137, Com 789
- HB 693-FN**, limiting access to certain business records. (Dickinson, Carr 2; et al: Commerce)  
137, Com 514
- HB 694-FN**, relative to prevention and prohibition of MTBE contamination of drinking water, wells, and surface and groundwater resources. (Martin, Hills 34; et al: Science, Technology and Energy)  
137, am & Finance 504-507, K 988
- HB 695-FN-A**, providing an exemption under the interest and dividends tax for taxpayers on a limited income. (D. White, Hills 25; et al: Finance)  
137, LT 611-612, Clerk's note 1214, 1226
- HB 696-FN-L**, relative to the taxation of land held by municipalities for water supply purposes. (Patten, Carr 9; et al: Municipal and County Government)  
137, Com 522
- HB 697-FN-L**, relative to the collection and use of boat fees. (Avery, Ches 8: Resources, Recreation and Development)  
137, K 226
- HB 698-FN-L**, restricting fees for registration permits for certain vehicles. (Winston McCarty, Hills 38; et al: Transportation)  
137, am & Finance 485-486, psd 594, 643, S conc 1114, enr am 1153, enr 1158 (Chapter 265)
- HB 699-FN-A**, establishing the granite state scholars program and making an appropriation therefor. (Estabrook, Straf 8; et al: Education)  
137, am & Finance 531-533, Com 988
- HB 700**, not introduced
- HB 701-FN-L**, granting the parents of school children an education voucher for a child to attend a school other than the assigned public school. (Bruno, Hills 4; et al: Education)  
137, K (RC) 398-401
- HB 702-FN**, relative to pro-rating the registration fees for recreational campers. (Fenton, Hills 24: Transportation)  
137, K 310
- HB 703-FN-A-L**, establishing a regional youth center pilot program in the city of Nashua and making an appropriation therefor. (Lozeau, Hills 30; et al: Children and Family Law)  
**new title:** establishing a regional youth center pilot program in the city of Nashua.  
137, SO 898, am & LT (RC) 950-955, Clerk's note 1214, 1226

- HB 704-FN-A**, establishing a wildlife damage control program to prevent and redress damage to certain commercial agricultural property, and making an appropriation therefor. (Melcher, Hills 11; et al: Wildlife and Marine Resources)  
**new title:** establishing a wildlife damage control program and making an appropriation therefor. 137, am & Finance (RC) 332-337, am (2 RCs) 1014-1022, psd 1043, S conc 1212, enr am 1213, enr 1214 (Chapter 344)
- HB 705-FN-L**, privatizing the functions of the community-technical college system. (Rubin, Rock 25: Education)  
137, K 401
- HB 706**, relative to the definition of "sexual contact" under the sexual assault laws. (Welch, Rock 18; et al: Criminal Justice and Public Safety)  
**new title:** relative to the definition of "sexual contact" under the sexual assault laws and relative to the registration of certain criminal offenders.  
137, am 576, psd 643, S conc 904, enr 1046 (Chapter 177)
- HB 707-FN**, relative to the family division of the courts. (Hager, Merr 18; et al: Judiciary)  
137, am & Finance 616-618, SO 1039, am 1102, psd 1113, Clerk's note 1215, 1226
- HB 708-FN-L**, transferring the county attorneys' offices and the county sheriffs' offices to the department of justice and the unified court system, respectively. (Jacobson, Merr 2: Criminal Justice and Public Safety)  
137, rem 262, K 295
- HB 709-FN-A-L**, relative to the railroad tax. (Chandler, Carr 1; et al: Municipal and County Government)  
137, Finance 270, psd 1109, 1113, S conc 1145, enr 1159 (Chapter 304)
- HB 710-FN**, relative to expanding the availability of lifetime licenses for hunting and fishing. (R. Nowe, Rock 3: Wildlife and Marine Resources)  
137, psd 227, 259, S conc 547, enr 550 (Chapter 61)
- HB 711-FN-A**, establishing a special fund to subsidize child custody and support seminars. (Bickford, Straf 1; et al: Children and Family Law)  
137, K 390-391
- HB 712-FN-L**, requiring notification to school districts of certain restraining orders and of the presence, or return to the school, of certain juvenile offenders. (Lundborn, Straf 18; et al: Children and Family Law)  
138, K 314
- HB 713-FN**, relative to penalties for multiple DWI offenses. (Almy, Graf 14; et al: Criminal Justice and Public Safety)  
138, Com 265
- HB 714-FN**, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison. (Lozeau, Hills 30: Criminal Justice and Public Safety)  
138, am 363, psd 423, conc S am 828, enr am 903, enr 982 (Chapter 158)
- HB 715-FN-A-L**, granting responsibility for court security and custody and control of prisoners while in a courthouse to the county sheriff and abolishing certain court security officer positions. (Hunter, Hills 7; et al: Criminal Justice and Public Safety)  
**new title:** granting responsibility for court security to the county sheriff and abolishing certain court security officer positions.  
138, Finance 396-397, am 612, psd 644, S nonconc 1049
- HB 716-FN**, requiring review of proposed administrative rules by house and senate policy committees. (Hunter, Hills 7; et al: Executive Departments and Administration)  
138, K 558
- HB 717-FN-A**, establishing a child care incentive program for training child care workers, and making an appropriation therefor. (Pilliod, Belk 3; et al: Children and Family Law)  
138, Com 475

- HB 718-FN-L**, relative to statewide administration and funding of special education in the state of New Hampshire as a single school district. (Vachon, Straf 4: Education)  
138, K 554
- HB 719-FN**, relative to procedures regarding children in need of services. (Lyman, Carr 5: Children and Family Law)  
138, am & Finance 426, am 638, psd 644, S conc 1114, enr 1158 (Chapter 266)
- HB 720-FN**, relative to the practice of midwifery. (Rabideau, Rock 16; et al: Executive Departments and Administration)  
138, am 719-724, psd 744, S conc 1048, enr 1151 (Chapter 213)
- HB 721-FN**, relative to procedures regarding delinquent children under RSA 169-B. (Lyman, Carr 5; et al: Children and Family Law)  
138, psd 391, 423, conc S am 1120, enr 1159 (Chapter 305)
- HB 722-FN**, revising the law relative to protection of persons from domestic violence. (Knowles, Straf 11; et al: Criminal Justice and Public Safety)  
138, rem 552, am (3 RCs) & protests 648-667, psd 744, S conc 1048, enr 1154 (Chapter 240)
- HB 723-FN**, relative to standby and emergency guardianship proxies. (M. Fuller Clark, Rock 36; et al: Children and Family Law)  
138, Finance 301, psd 612-613, 644, S Com 1049
- HB 724-FN**, relative to an industry average performance system for comprehensive air pollution regulation. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
138, K 817-818
- HB 725**, relative to rulemaking under the administrative procedures act. (Dyer, Hills 8; et al: Executive Departments and Administration)  
138, Com 674-675
- HB 726-FN**, relative to the credentialing of personnel in early care and education programs. (Gile, Merr 16; et al: Children and Family Law)  
**new title:** relative to the credentialing of personnel in early care and education programs, establishing a fee for such credential, and making an appropriation therefor.  
138, Finance 476, am 730-731, psd 744, S conc 904, enr 1046 (Chapter 185)
- HB 727-FN**, establishing an outdoor lighting code. (E. Gagnon, Hills 48; et al: Municipal and County Government)  
**new title:** establishing a committee to study the problems and possible regulation of outdoor lighting.  
138, am 522-523, psd 546, S conc 824, enr 902, appointments 1231 (Chapter 146)
- HB 728-FN**, relative to per diem reimbursement to legislators for expenses on days of legislative committee meetings. (G. Brown, Straf 17: Legislative Administration)  
**new title:** establishing a commission to study the compensation of members of the legislature and the reimbursement for expenses.  
138, am 595, psd 643, S nonconc 1114
- HB 729**, adding social clubs recognized by the Internal Revenue Service to the definition of "charitable organization" for purposes of the laws governing raffles. (Chandler, Carr 1; et al: Criminal Justice and Public Safety)  
**new title:** redefining "charitable organization" for purposes of the laws governing raffles.  
138, psd 265, 296, conc S am 1145, enr 1159 (Chapter 306)
- HB 730-FN**, establishing a pilot program for the recording of committee proceedings of the general court. (Copenhaver, Graf 10; et al: Legislative Administration)  
138, Com 561
- HB 731-L**, relative to allowing the granting of tax abatements or tax deferrals to owners of open space land. (Lynde, Hills 24: Municipal and County Government)  
139, K 307



- HB 732**, relative to nonpayment of member dues and fees and access to financial records of condominium associations. (Lozeau, Hills 30; Commerce)  
213, am 575-576, psd 643, S nonconc 1049
- HB 733**, relative to a state master plan for the deployment of personal wireless service facilities. (Belvin, Hills 14; et al: Science, Technology and Energy)  
214, Com 753
- HB 734-FN-L**, relative to establishing a voluntary school contribution program in support of local school districts. (Burling, Sull 1; et al: Municipal and County Government)  
**new title:** relative to state guarantees of tax anticipation notes issued by municipalities; and relative to teacher non-renewals for the 1999-2000 school year.  
**2<sup>nd</sup> new title:** relative to state guarantees of tax anticipation notes issued by municipalities; relative to teacher non-renewals for the 1999-2000 school year; and relative to the transfer of tax liens for the 1999 calendar year only.  
214, rules suspended, am & psd 260-262, conc S am 349, enr 353 (Chapter 9)
- HB 735-FN-A**, establishing a contributory judicial retirement plan. (Dyer, Hills 8; et al: Executive Departments and Administration)  
244, am & Finance 724-726, Com 1051
- HB 736**, ratifying the 1999 Allenstown annual town meeting. (Daneault, Merr 12; et al: Municipal and County Government)  
259, psd 480, 508, S conc 646, enr 823 (Chapter 93)
- HB 737**, declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution. (Pepino, Hills 40; et al: Finance)  
278, rules suspended & K (RC) 346-349, recon rej (RC) 420-422
- HB 738-FN**, transferring funds from the judicial branch to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses. (Welch, Rock 18; et al: Finance)  
**new title:** making an appropriation to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.  
352-353, am 613, psd 644, S conc 1114, enr 1154 (Chapter 267)
- HB 739**, eliminating the restrictions on the number of days bingo volunteers may serve. (Cooney, Rock 26; Criminal Justice and Public Safety)  
**new title:** eliminating certain restrictions on the number of days bingo volunteers may serve.  
**2<sup>nd</sup> new title:** eliminating the restrictions on the number of days bingo volunteers may serve.  
354, am 577, psd 643, conc S am 1048, enr 1154 (Chapter 241)
- HB 740-FN-A-L**, increasing the amount of district foundation aid. (Wendelboe, Belk 2; Finance)  
439, K 441-442
- HB 741**, relative to the ratio of apprentices to journeymen in trade or industry apprenticeship programs. (Clegg, Hills 23; Labor, Industrial and Rehabilitative Services)  
440, am 677, psd 744, conc S am 1112, enr 1154 (Chapter 268)
- HB 742**, defining "domestic employee" for purposes of workers' compensation. (Daniels, Hills 13; Labor, Industrial and Rehabilitative Services)  
509, psd 677, 744, conc S am 979, enr 1151 (Chapter 214)
- HB 743**, requiring that the question relative to the necessity for a convention to revise the New Hampshire constitution be presented to the voters in the November 2000 general election. (Weber, Graf 11; et al: Election Law)  
551, psd (RC) 863-865, 901, S nonconc 1162
- HB 744**, ratifying the Plainfield Village Water District annual meeting held on March 27, 1999. (Burling, Sull 1; et al: Municipal and County Government)  
**new title:** ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Alton annual town meeting held on March 10, 1999.

**2<sup>nd</sup> new title:** ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Gilford School District annual meeting held on March 17, 1999.

**3<sup>rd</sup> new title:** ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, the Alton annual town meeting held on March 10, 1999, and the Gilford School District annual meeting held on March 17, 1999.

552, rem 828, am 851-852, psd 857, S conc, enr am & enr 904 (Chapter 136)

**HB 745-L**, authorizing the town of Ashland to call a special meeting for the purpose of raising money to address a general fund deficit. (Harmon, Graf 8; et al: Municipal and County Government)

**new title:** authorizing the town of Ashland to call a special meeting for the purpose of raising money to address a general fund deficit, and relative to the excess education property tax payment for certain municipalities.

822, rules suspended & psd 851, 857, conc S am 979, enr 1049 (Chapter 162)

**HB 746**, relative to emergency police assistance. (Welch, Rock 18; Cohen, Dist 24: Criminal Justice and Public Safety)

825, am 917, psd 980, conc S am 1168, enr 1170 (Chapter 342)

**HB 747-FN-A-L**, relative to the education property tax and adequate education grants. (Sapareto, Rock 13; et al: Finance)

981, rules suspended & Com 1126

**HBs 748-998**, not introduced

**HB 999-FN-A-L**, establishing a uniform education property tax to provide funding for an adequate public education and providing education property tax hardship relief to low and moderate income taxpayers. (Hess, Merr 11: Finance)

1159, am (9 RCs) & protest 1170-1210, psd 1211, S conc 1212, enr 1213 (Chapter 338)

## 1999 SESSION

### HOUSE JOINT RESOLUTIONS

**HJR 1**, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire. (Guay, Coos 6: Wildlife and Marine Resources)

45, psd 92, 96, S LT, Clerk's note 1215, 1226

**HJR 2**, urging that federal air pollution programs not punish early adopters of air pollution control technology. (MacGillivray, Hills 21: Science, Technology and Energy)

58, am 524-525, psd 546, conc S am 1040, enr am 1119, enr 1151 (Chapter 186)

**HJR 3**, urging ISO-New England to adopt policies furthering the state's interest in electric utility restructuring. (MacGillivray, Hills 21: Science, Technology and Energy)

58, am 525-526, psd 546, S conc 745, enr 823 (Chapter 104)

**HJR 4**, urging the federal government to support telephone number conservation. (MacGillivray, Hills 21: State-Federal Relations and Veterans Affairs)

59, K 836

**HJR 5**, requiring the attorney general to bring suit or to join with other states bringing suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. (Mirski, Graf 12: Judiciary)

60, K 250

**HJR 6**, encouraging the revitalization of the northern rail line from Concord to Lebanon. (G. Katsakiores, Rock 13; et al: Transportation)

69, psd 271, 296, S Com 1114

**HJR 7**, supporting the continued management of the White Mountain National Forest for multiple uses as a part of the National Forest System. (Guay, Coos 6; et al: State-Federal Relations and Veterans Affairs)

70, psd 563-564, 643, S conc 982, enr 1049 (Chapter 187)

**HJR 8**, urging the Federal Energy Regulatory Commission to change the structure of the New England Individual Service Organization (ISO). (Gilmore, Straf 11; et al: Science, Technology and Energy)

**new title:** urging the Federal Energy Regulatory Commission to change the structure of the New England Independent System Operator (ISO).

70, am 596-597, psd 644, S conc 904, enr am 1045, enr 1049 (Chapter 188)

**HJR 9**, urging the United States Congress and federal Environmental Protection Agency to eliminate federal requirements for oxygenate additives for gasoline. (MacGillivray, Hills 21; et al: Science, Technology and Energy)

96, am 526-527, psd 546, S conc 824, enr 902 (Chapter 138)

**HJR 10**, requiring that the United States Marine Corps flag be flown over the state house every November 10 to honor the birth of the Corps. (Thomas, Belk 3; et al: State-Federal Relations and Veterans Affairs)

745, psd 897, 901, S conc 1162, enr 1168, remarks 1211-1212 (Chapter 332)

## 1999 SESSION

### HOUSE CONCURRENT RESOLUTIONS

**HCR 1**, encouraging an increased distribution of federal money out of the military budget to the states sufficient to meet domestic needs. (Richardson, Ches 12; et al: State-Federal Relations and Veterans Affairs)

31, K 309

**HCR 2**, recognizing outstanding student role models in the public schools. (Leonard, Hills 39; et al: Legislative Administration)

**new title:** recognizing students who display good behavior in the public schools.

41, am 561, adop 643, S conc 904

**HCR 3**, urging the federal government to fund 100 percent of the total cost of special education programs and services nationwide. (Franks, Hills 26; et al: Education)

41, K 275

**HCR 4**, urging the U.S. Secretary of Transportation to include U.S. Route 2 as a border corridor highway. (Guay, Coos 6; et al: Public Works and Highways)

45, adop 150, 213, S conc 547

**HCR 5**, encouraging WMUR-TV to extend radio station coverage to areas of New Hampshire north of Franconia Notch. (L. Pratt, Coos 4; et al: Science, Technology and Energy)

**new title:** encouraging New Hampshire Public Radio to extend its broadcast signal to northern areas of New Hampshire.

48, am 524, adop 546, S conc 824

**HCR 6**, calling on the President and the Congress to fully fund the federal government's share of the average per pupil expenditure in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Burling, Sull 1; et al: State-Federal Relations and Veterans Affairs)

50, adop 227, 259, S conc 440

**HCR 7**, urging the federal government not to adopt certain proposed rules requiring financial institutions to monitor their customers' banking habits. (Kurk, Hills 5; et al: State-Federal Relations and Veterans Affairs)

**new title:** urging the federal government not to adopt rules requiring financial institutions to monitor their customers' banking habits.

135, am 834-835, adop 857, S nonconc 1114

**HCR 8**, urging nonimplementation of the articles of the Kyoto Protocol on global climate change. (L. Jean, Hills 17: State-Federal Relations and Veterans Affairs)

**new title:** urging improvements to the Kyoto Protocol prior to its implementation.

67, rem 301, rcmt 338, am 899-900, adop 901, S nonconc 1162

**HCR 9**, encouraging greater health care choices for senior citizens throughout New Hampshire. (Howard, Carr 10; et al: State-Federal Relations and Veterans Affairs)

**new title:** encouraging greater health care choices for Medicare eligible citizens throughout New Hampshire.

67, am 563, adop 643, S conc 1048

**HCR 10**, requesting Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers. (Burling, Sull 1: State-Federal Relations and Veterans Affairs)

69, rem 828, SO 852, adop (3 RCs) 887-895, 901, recon rej (RC) 983-985, S conc 1162

**HCR 11**, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds. (Bradley, Carr 8; et al: State-Federal Relations and Veterans Affairs)

136, rem 552, rcmt 668, adop 835, 857, S conc 1114

**HCR 12**, urging the United States Congress to enact legislation which prohibits the federal government from recouping state tobacco settlement funds. (M. Smith, Straf 8; et al: Finance)

259, adop 517, 545, S conc 982

**HCR 13**, urging the selection of a final design for the New Hampshire commemorative quarter which includes the state motto "live free or die." (McGough, Hills 18; et al: State-Federal Relations and Veterans Affairs)

**new title:** urging the selection of a final design for the New Hampshire commemorative quarter which includes the state motto "live free or die, 9 stars representing New Hampshire as the ninth state to ratify the United States Constitution, and the Old Man of the Mountain."

822, rem 896, am 900, adop 901, S conc 1162

## 1999 SESSION

### HOUSE RESOLUTIONS

**HR 1**, adopting the rules of the 1998 legislative session and providing that house rules may be amended by a majority of the house on or before January 28, 1999. (Chandler, Carr 1; et al) intro, am & adop 9-10, 11, am 24-27, 51, am withdrawn 295, am 1112, 1145-1146, am (RC) 1216-1219

**HR 2**, providing for the appointment of a committee to assign seats to house members. (Bradley, Carr 8; et al) intro & adop 10, 11

**HR 3**, providing for a committee to recommend a house chaplain in the 1999 session. (Daniels, Hills 13; et al) intro & adop 10, 11

**HR 4**, providing for the taping and correction of the house permanent journal. (Welch, Rock 18; et al) intro & adop 10, 11

**HR 5**, authorizing the house speaker to employ necessary personnel. (Lozeau, Hills 30; et al) intro & adop 10, 12

**HR 6**, providing for the distribution of certain legislative publications. (Arndt, Rock 27; et al) intro & adop 10, 12

**HR 7**, providing the time of payment for salary and mileage payments to house members. (Arnold, Hills 20; et al) intro & adop 10-11, 12

**HR 8**, allowing the speaker to cancel meetings of the house in case of severe weather or any other circumstance. (Guay, Coos 6; et al) intro & adop 11, 12

**HR 9**, encouraging the use of funds from timber sales of White Mountain National Forest timber to be exclusively for maintenance, upgrading, and funding of the White Mountain National Forest and its facilities. (Gilman, Graf 1; et al: Resources, Recreation and Development)

**new title:** urging the federal government to make full funding of the Land and Resource Management Plan its highest priority regarding its ownership and management of the White Mountain National Forest.

62, am 226-227, adop 259

**HR 10**, affirming revenue estimates for fiscal year 1999. (Kurk, Hills 5; Alukonis, Hills 23)

**new title:** affirming revenue estimates for fiscal years 1999, 2000, and 2001.

intro, adop & LT 71-73, am, LT and protest 818-820, Clerk's note 1214 1226

**HR 11**, memorializing State Representative Paul E. St. Hilaire of Berlin

intro & adop 140-141

**HR 12**, requesting an opinion of the justices on the constitutionality of HB 536, as amended. (Hess, Merr 11; et al)

824, adop 852-853, 857

## 1999 SESSION

### SENATE BILLS

**SB 11-FN**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. (Commerce)

509, am & Finance 908, Com 1107

**SB 12-FN-A**, relative to the World War II memorial campaign and making an appropriation therefor. (State-Federal Relations and Veterans Affairs)

278, Finance 626, psd 1039, 1043, enr 1154 (Chapter 242)

**SB 13**, relative to the bonding authority of joint boards in joint maintenance agreements and relative to the eligibility of joint maintenance agreement districts for school building aid. (Education)

**new title:** establishing a committee to study joint maintenance agreements in school districts. 509, am 671-672, psd 744, S conc 823, enr 824, appointments 1231 (Chapter 115)

**SB 14**, establishing a committee to study the impact of federal welfare reform on the cities and towns of New Hampshire. (Health, Human Services and Elderly Affairs)

278, psd 796, 821, enr 823, appointments 1231 (Chapter 94)

**SB 16**, relative to revocation of wills by divorce. (Judiciary)

278, am 676, psd 744, S conc 824, enr 902 (Chapter 148)

**SB 17**, relative to funeral arrangements. (Health, Human Services and Elderly Affairs)

278, psd 534, 546, enr am 547, enr 645 (Chapter 62)

**SB 18**, relative to the rulemaking authority of the state board of education regarding certain educational personnel. (Education)

353, psd 554, 643, enr 822 (Chapter 82)

**SB 19**, extending the reporting date of the state substance abuse treatment delivery system committee. (Health, Human Services and Elderly Affairs)

278, psd 517, 545, enr 547 (Chapter 38)

**SB 20**, relative to the sale or resale of tickets to motor sports events at the New Hampshire International Speedway. (Commerce)

**new title:** relative to soliciting or selling tickets to entertainment or sports events on public ways. 820, rem 906, am 970-971, psd 980, S conc 1114, enr 1154 (Chapter 243)

**SB 21**, relative to domestic animals. (Executive Departments and Administration)

278, am 675, psd 744, S conc 823, enr 824 (Chapter 116)

**SB 22**, relative to the pilot program relative to the administration of medication in residential care facilities. (Health, Human Services and Elderly Affairs)

353, psd 796, 821, enr 824 (Chapter 117)

**SB 24**, extending the application of certain provisions of the child protection act to all children in out-of-home placements. (Children and Family Law)

509, am 746, psd 821, S conc 824, enr 902 (Chapter 149)

- SB 25**, expanding the waiver of administration under the law regarding decedents' estates. (Judiciary)  
353, am 751, psd 821, S conc 824, enr 902 (Chapter 150)
- SB 26**, establishing a committee to study trustee process. (Judiciary)  
278, am 676, psd 744, S conc 824, enr 902, appointments 1231 (Chapter 151)
- SB 27**, relative to assessment fee schedules for trust companies and banks. (Commerce)  
353, am 908-909, psd 980, S conc 1114, enr am 1152, enr 1154 (Chapter 269)
- SB 28**, relative to food production and distribution and food service licensure. (Executive Departments and Administration)  
353, am 918-919, psd 980, S conc 1114, enr am 1153, enr 1159 (Chapter 307)
- SB 29-L**, relative to the proper sheltering of dogs. (Criminal Justice and Public Safety)  
546, rem 828, rcmt 851, Com 1050
- SB 30**, relative to the cruelty to animals law. (Criminal Justice and Public Safety)  
439, am 577, psd 643, S nonconc, conf 859, 905, rep adop 1111-1112, enr 1159 (Chapter 308)
- SB 32**, relative to an employer exemption under the unemployment compensation laws. (Labor, Industrial and Rehabilitative Services)  
**new title:** exempting employers of certain part-time contractors from providing unemployment compensation, and establishing a study committee to analyze ways to reconcile inconsistencies within the statutes with regard to independent contractors.  
548, am 925-926, psd 980, S conc 1114, enr 1154, appointments 1231 (Chapter 244)
- SB 35**, establishing a study committee to investigate motor vehicle inspection requirements. (Transportation)  
278, K 564
- SB 36-FN-A**, relative to salary increases for care providers for persons with developmental and acquired disabilities and making an appropriation therefor. (Finance)  
278, Com 1039
- SB 37-FN**, relative to fees for testing of domestic animals for disease. (Finance)  
278, psd 988, 1043, enr am 1119, enr 1154 (Chapter 245)
- SB 38**, relative to the optional term for election of a cooperative school district moderator. (Election Law)  
349, psd 555, 643, enr 745 (Chapter 75)
- SB 40**, relative to the health care fund. (Finance)  
278, SO 1040, K 1102
- SB 41**, correcting a reference in provisions relating to hunting and fishing licenses for members of the armed services. (Wildlife and Marine Resources)  
**new title:** clarifying references in provisions relating to hunting and fishing licenses for members of the United States army, navy, marines, air force, and coast guard.  
278, am 527, psd 546, S conc 548, enr 645 (Chapter 63)
- SB 42-L**, establishing a committee to study safety improvements at the U.S. Route 1 traffic circle in the city of Portsmouth. (Public Works and Highways)  
278, psd 677, 744, enr am 822, enr 823, appointments 1232 (Chapter 95)
- SB 43**, creating a commission to research making Hilton Park in the city of Dover property of that city. (Public Works and Highways)  
278, K 677-678
- SB 45-FN-A**, allowing a waiver of interest for the time period of an extension of the date of payment of the legacies and successions tax. (Finance)  
278, psd 862, 901, enr 1046 (Chapter 178)
- SB 47-FN**, relative to compensation for time lost by fish and game conservation officers for injuries received in the line of duty, and restoring certain leave time for a conservation officer injured while on duty on August 19, 1997. (Executive Departments and Administration)  
**new title:** relative to restoring certain leave time for a conservation officer injured while on duty on August 19, 1997.  
509, am 865-866, psd 901, S nonconc, conf 1046, rep adop 1123, enr 1159 (Chapter 309)

- SB 52**, requiring insurance coverage for infertility treatments. (Commerce)  
648, Com 955
- SB 53-FN**, relative to licensure of physicians providing teleradiology services in this state. (Executive Departments and Administration)  
353, am 962, psd 980, S conc 1114, enr 1154 (Chapter 246)
- SB 56**, amending the law relative to who may adopt. (Children and Family Law)  
353, psd 565, 643, enr 745 (Chapter 76)
- SB 57**, permitting challenges to judges. (Judiciary)  
648, K 832
- SB 58**, allowing clinical mental health counselors to obtain third party payment for services rendered which would otherwise qualify for such payments. (Commerce)  
354, am 909, psd 980, S conc 1114, enr am 1153, enr 1159 (Chapter 310)
- SB 59-L**, relative to bonding of animal owners convicted of animal cruelty. (Criminal Justice and Public Safety)  
546, psd 830, 856, enr 902 (Chapter 152)
- SB 60**, establishing a committee to study the licensure of radiographers and radiologic technicians. (Executive Departments and Administration)  
**new title:** establishing a committee to study the licensure of radiographers and radiologic technologists.  
279, am 558, psd 643, S conc 646, enr am 822, enr 823, appointments 1232 (Chapter 96)
- SB 62-FN-A-L**, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor. (Resources, Recreation and Development)  
644, am & Finance 884-885, psd 1103, 1113, S conc 1114, enr 1154 (Chapter 270)
- SB 64**, relative to powers of appointment. (Judiciary)  
297, psd 751-752, 821, enr 824 (Chapter 118)
- SB 65**, establishing a study committee to review field activities conducted by the department of health and human services relative to children, youth and families. (Children and Family Law)  
279, psd 476, 508, enr 511, appointments 1232 (Chapter 29)
- SB 67**, limiting liability resulting from the use of automatic external defibrillation. (Judiciary)  
439, am 832-833, psd 856, S conc 1048, enr am 1153, enr 1159 (Chapter 311)
- SB 68**, establishing minimum 300 foot buffer zones around sensitive areas from application of herbicides, authorizing a study of environmental effects from residual herbicides and making an appropriation therefor. (Environment and Agriculture)  
858, K (RC) 1099-1101
- SB 69-L**, relative to health care charitable trusts and community benefits. (Commerce)  
549, am 909-910, psd 980, S conc 1115, enr 1159 (Chapter 312)
- SB 70**, changing the safe drinking water standard for MTBE. (Science, Technology and Energy)  
**new title:** relative to prevention of MTBE contamination of drinking water and groundwater.  
439, am 885-887, psd 901, S nonconc, conf 1044, rep adop 1123-1124, enr am 1157, enr 1159 (Chapter 313)
- SB 71**, prohibiting the use of MTBE as an additive in gasoline. (Science, Technology and Energy)  
820, Com 863
- SB 73**, relative to eligibility for off-premise liquor licenses. (Commerce)  
820, K 910-911
- SB 74**, relative to the rule making authority of the real estate commission concerning practices relating to certain dwellings. (Executive Departments and Administration)  
279, rem 861, psd 895, 901, enr 1046 (Chapter 179)
- SB 75**, relative to out-of-state boats. (Transportation)  
**new title:** establishing a committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.  
349, am 564-565, psd 643, S conc 646, enr 823, appointments 1232 (Chapter 97)

- SB 76-L**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. (Municipal and County Government)  
645, Com 1051
- SB 77**, relative to authorized regional enrollment area schools. (Education)  
353, am 554, psd 643, S conc 646, enr am 822, enr 824 (Chapter 119)
- SB 78**, relative to contract requirements between a paid solicitor and a charitable trust. (Commerce)  
349, am 911, psd 980, S conc 1115, enr 1154 (Chapter 247)
- SB 80**, adding the name of Martin Luther King, Jr. to Civil Rights Day. (Executive Departments and Administration)  
354, psd 776, 821, enr 824 (Chapter 105)
- SB 81**, permitting the city of Manchester to issue bonds to finance unfunded liability of the city's employee pension system. (Municipal and County Government)  
439, am 595-596, psd 643, S conc 646, enr 823 (Chapter 98)
- SB 82**, relative to the termination of employees. (Labor, Industrial and Rehabilitative Services)  
820, K (RC) 968-970
- SB 83**, relative to the regulation of the practice of veterinary medicine. (Executive Departments and Administration)  
648, am 919-920, psd 980, S conc 1115, enr am 1157, enr 1159 (Chapter 314)
- SB 85-FN**, including the judiciary as a public employer under the public employee labor relations act. (Judiciary)  
823, Com 968
- SB 86**, relative to enforcement of the collection and payment of county taxes by the county treasurer. (Municipal and County Government)  
440, Com 1051
- SB 88-FN**, relative to penalties for third driving while intoxicated offenses. (Criminal Justice and Public Safety)  
645, Com 1050
- SB 89-L**, relative to library trustees. (Municipal and County Government)  
279, Com 1051
- SB 90**, establishing a committee to study and investigate the needs for small business loans to pay for technical improvements for persons working at home. (Commerce)  
548, K 911
- SB 91**, designating segments of the Cold River as protected under the rivers management and protection program. (Resources, Recreation and Development)  
279, psd 523, 546, enr 550 (Chapter 64)
- SB 92-FN**, relative to education grants funded by the companion animal neutering fund. (Environment and Agriculture)  
279, K 832
- SB 93**, relative to self-storage facility liens. (Commerce)  
**new title:** relative to self-service storage facility liens.  
354, am 956, psd 980, S conc 1115, enr am 1157, enr 1159 (Chapter 315)
- SB 94**, relative to absentee voter affidavits. (Election Law)  
820, Com 861
- SB 99**, allowing the same interest rates and charges on small loans under \$1,500 as is allowed on small loans over \$1,500. (Commerce)  
279, psd 911, 980, enr am 1119, enr 1154 (Chapter 248)
- SB 101**, relative to landlord-tenant obligations. (Judiciary)  
279, am 752-753, psd 821, S nonconc, conf 826, rep adop 1121 (unable to agree)
- SB 102**, relative to payment of the premium tax. (Finance)  
354, psd 1103, 1113, enr 1154 (Chapter 271)



- SB 103**, making certain changes in the insurance laws. (Commerce)  
354, psd 911, 980, enr 1151 (S sustained veto)
- SB 104**, making a variety of changes in certain insurance laws. (Commerce)  
355, psd 911, 980, enr am 1119, enr 1154 (Chapter 249)
- SB 105**, relative to continuation of coverage of health insurance. (Commerce)  
355, am 1049-1050, psd 1113, S conc 1115, enr am 1157, enr 1159 (Chapter 316)
- SB 107**, relative to fees for examination of domestic societies and foreign societies. (Commerce)  
279, psd 911, 980, enr 1151 (Chapter 215)
- SB 108**, relative to the co-management of patients with primary open-angle glaucoma and establishing a glaucoma co-management committee. (Health, Human Services and Elderly Affairs)  
820, K 966
- SB 109**, deleting the witnessing requirement for notices of lease. (Judiciary)  
297, psd 560, 643, enr 745 (Chapter 77)
- SB 110**, allowing for discharges of mortgages by affidavit of a New Hampshire attorney. (Commerce)  
349, psd 912, 980, enr 1151 (Chapter 216)
- SB 111**, relative to requirements for acknowledgments and jurats by justices of the peace. (Judiciary)  
297, am 676-677, psd 744, S conc 824, enr 902 (Chapter 153)
- SB 112**, relative to the guardianship of minors. (Children and Family Law)  
297, am 747, psd 821, S conc 824, enr am 905, enr 1049 (Chapter 217)
- SB 113**, establishing a division of travel and tourism development within the department of resources and economic development. (Executive Departments and Administration)  
279, am & Finance 866, psd 1103, 1113, S conc 1115, enr am 1158, enr 1159 (Chapter 317)
- SB 114**, relative to health carrier disclosure of third party liability. (Commerce)  
355, Finance 912, psd 1107, 1113, enr 1159 (Chapter 318)
- SB 115**, relative to participation by certain judges in the state employee group health and dental insurance programs. (Executive Departments and Administration)  
279, K 962
- SB 116**, eliminating straight ticket voting. (Election Law)  
353, Com 861
- SB 117**, relative to the duties of the board of trustees of the community-technical college system. (Education)  
**new title:** relative to the duties of the board of trustees of the community-technical college system and relative to reports made to the commissioner of the regional community-technical college system.  
279, am 555, psd 643, S conc 646, enr 823 (Chapter 99)
- SB 118**, relative to requirements for retail installment contracts for motor vehicle sales. (Commerce)  
279, psd 912, 980, enr 1151 (Chapter 218)
- SB 119**, relative to the withdrawal of a pupil from school. (Education)  
279, psd 516, 545, enr 547 (Chapter 39)
- SB 121**, requiring reports to the department of justice following certain DWI arrests and refusals to take alcohol concentration tests. (Criminal Justice and Public Safety)  
353, K 577-578
- SB 122**, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence. (Criminal Justice and Public Safety)  
820, K 960-961
- SB 124**, establishing a committee to study the integration of technology at the state and municipal level. (Science, Technology and Energy)  
**new title:** establishing a committee to study the integration of technology at the state, county and municipal levels.  
297, am 753-754, psd 821, S nonconc, conf 827, rep adop 1124-1125, enr 1159, appointments 1232 (Chapter 319)

- SB 125**, placing restrictions on name changes for certain felons. (Criminal Justice and Public Safety)  
297, K 1050
- SB 129-L**, requiring school districts to disclose any reimbursements received to offset special education expenditures. (Finance)  
509, psd 862, 901, enr 1046 (Chapter 180)
- SB 130**, establishing a committee to study issues regarding procedures and standards for selection and supervision of court-appointed guardians ad litem. (Children and Family Law)  
297, psd 476, 508, enr 511, appointments 1232 (Chapter 30)
- SB 131-FN-A**, updating the name of the office of vacation travel to the office of travel and tourism in nonconforming RSA sections. (Executive Departments and Administration)  
**new title:** changing the name of the office of travel and tourism to the office of travel and tourism development, and updating outdated references to the office of vacation travel.  
645, am 920, psd 980, S conc 1115, enr 1154 (Chapter 250)
- SB 134-FN**, relative to medicaid reimbursement rates and dental care. (Finance)  
509, Com 1040
- SB 135-FN**, relative to water supply land protection grants. (Resources, Recreation and Development)  
440, rem 906, Com & recon rej (2 RCs) 974-979
- SB 137-FN**, relative to use of social security numbers in child support enforcement and in the issuance of driver's licenses. (Children and Family Law)  
354, Com 828
- SB 138**, relative to joint tenancy with rights of survivorship. (Transportation)  
353, psd 565, 643, enr 745 (Chapter 79)
- SB 139**, relative to self-proved wills and making reference changes. (Judiciary)  
349, psd 560, 643, enr am 647, enr 823 (Chapter 100)
- SB 140**, relative to ear and body piercing. (Health, Human Services and Elderly Affairs)  
**new title:** relative to ear piercing.  
279, am 896-897, psd 901, S nonconc, conf 1044, rep adop 1125, recon, rep rej & new conf 1131, 1133, rep adop 1134, enr 1159 (Chapter 320)
- SB 141**, relative to information not subject to the right-to-know law. (Judiciary)  
440, psd 848, 857, enr 902 (Chapter 154)
- SB 143**, relative to penalties for incest. (Criminal Justice and Public Safety)  
858, Com 1050
- SB 145-FN-A**, relative to state financial aid for state fairs, and making an appropriation therefor. (Finance)  
509, K 1040
- SB 146**, granting district courts exclusive jurisdiction over actions involving certain real estate purchase deposits held in escrow accounts. (Judiciary)  
353, K 833
- SB 147**, relative to self-referrals for chiropractic care under managed care organizations. (Commerce)  
858, Com 912
- SB 150**, making certain reference changes to the department of youth development services. (Children and Family Law)  
297, psd 828, 856, enr am 902, enr 1049 (Chapter 219)
- SB 152-L**, relative to the procedures for establishing a charter school. (Education)  
354, psd 672, 744, enr 823 (Chapter 101)
- SB 153-FN-A**, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs. (Finance)  
853, Com 1103

- SB 155**, relative to the naming of certain bridges in the city of Concord. (Public Works and Highways)  
279, psd 678, 744, enr 823 (Chapter 102)
- SB 156**, granting the commissioner of transportation authority to layout and approve the construction of a restricted use driveway onto a public highway in Canterbury and creating a legislative study committee to consider options for addressing the development of major projects which have statewide or significant regional impacts, such as the New Hampshire International Speedway. (Public Works and Highways)  
820, K 897
- SB 158-FN**, relative to indecent exposure. (Criminal Justice and Public Safety)  
**new title**: relative to definitions and penalties for indecent exposure and inclusion in certain sexual offender registry classifications.  
858, rem 1049, am 1110-1111, psd 1113, rules suspended 1112, S nonconc, conf 1117, rep adop 1121, enr am 1157, enr 1159 (Chapter 321)
- SB 159**, relative to early reduction of greenhouse gases. (Science, Technology and Energy)  
440, am 833-834, psd 857, S conc 982, enr 1151 (Chapter 220)
- SB 160**, establishing a committee to study and identify or establish the duties of the fish and game commission. (Wildlife and Marine Resources)  
355, am 527-528, psd 546, S conc 548, enr 745, appointments 1232 (Chapter 78)
- SB 161-L**, relative to amending the contributory pension system for employees of the city of Manchester. (Municipal and County Government)  
**new title**: relative to amending the contributory pension system for employees of the city of Manchester and authorizing the town of Salem pension plan.  
279, am 562, psd 643, S conc 646, enr am 822, enr 823 (Chapter 103)
- SB 162**, providing for the licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances. (Commerce)  
645, Com 912
- SB 163**, establishing a commission to study methods for reducing violent incidents involving children and guns. (Criminal Justice and Public Safety)  
547, am 830-831, psd 856, S conc 1048, enr am 1158, enr 1159, appointments 1232-1233 (Chapter 322)
- SB 164**, relative to persons exempted from the registration of ophthalmic dispensers. (Executive Departments and Administration)  
297, am 861-862, psd 901, S conc 982, enr 1151 (Chapter 221)
- SB 165**, relative to the Uniform Trustees' Powers Act. (Judiciary)  
440, psd 753, 821, enr 824 (Chapter 111)
- SB 166**, establishing a committee to study insurance coverage for certain physical, occupational, and speech therapies. (Commerce)  
645, K 912
- SB 167**, relative to off-label prescription drugs. (Commerce)  
645, am 912-913, psd 980, S conc 1115, enr am 1158, enr 1159 (Chapter 323)
- SB 168**, adopting a model statute included in the tobacco litigation master settlement agreement. (Judiciary)  
440, am 884, psd 901, S conc 982, enr 1151 (Chapter 222)
- SB 170-FN-A**, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor. (Education)  
509, Com 861
- SB 172**, relative to representation by a citizen in a court proceeding. (Judiciary)  
645, am 848-849, psd 857, S conc 1048, enr 1154 (Chapter 251)
- SB 173-FN**, relative to optional allowances for beneficiaries of New Hampshire retirement system members. (Executive Departments and Administration)  
355, rem 861, psd 895, 901, enr 1046 (Chapter 181)

**SB 174**, relative to the regulation of telemarketers. (Commerce)  
648, K 913-914

**SB 175-FN**, requiring insurance coverage for prescription contraceptive drugs and devices and for contraceptive services. (Commerce)

**new title:** requiring insurance coverage for prescription contraceptive drugs and prescription contraceptive devices and for contraceptive services.

645, am (RC) 956-960, psd 980, S conc 1115, enr 1154 (Chapter 252)

**SB 176-FN-A**, relative to technology support for individuals and making an appropriation therefor. (Health, Human Services and Elderly Affairs)  
509, am & Finance 846, Com 1051

**SB 177**, allowing marriage and family therapists to obtain third party payment for services rendered which would otherwise qualify for such payments. (Commerce)  
355, am 914, psd 980, S conc 1115, enr am 1152, enr 1154 (Chapter 272)

**SB 178-FN-A**, relative to appropriations to the port authority for dredging projects. (Public Works and Highways)  
645, Com 897

**SB 180**, establishing a committee to study the improvement of employment opportunities offered by the state of New Hampshire for persons with disabilities. (Labor, Industrial and Rehabilitative Services)  
279, psd 560, 643, enr 822, appointments 1233 (Chapter 83)

**SB 182-FN**, relative to eligibility for ordinary death benefits under the New Hampshire retirement system. (Executive, Departments and Administration)  
355, rem 861, Finance 895, psd 1104, 1113, enr 1154 (Chapter 273)

**SB 183-FN-A**, establishing a New Hampshire health access corporation and continually appropriating a special fund and making an appropriation therefor, requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to certain transfers to the health care fund, and relative to rates for pharmaceutical services. (Commerce)

**new title:** requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to rates for pharmaceutical services, requiring the department to conduct a study, and establishing a subcommittee to study affordable health insurance for low-income working adults.

820, am 914-916, psd 980, rules suspended & S nonconc, conf 1112, rep adop 1121, enr 1159 (Chapter 324)

**SB 186-FN**, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance. (Executive Departments and Administration)  
509, am & Finance 963, Com 1107

**SB 187-FN-L**, relative to payment of group health insurance premiums for eligible retired teachers in the New Hampshire retirement system. (Executive Departments and Administration)

**new title:** relative to payment of group health insurance premiums for eligible retired teachers and for certain active or retired group II members in the New Hampshire retirement system.

509, am & Finance 866-869, psd (RC) 1104-1107, 1113, S conc 1117, enr 1154 (Chapter 274)

**SB 188-L**, allowing school districts operating under the official ballot form of meeting to have more than one special meeting per year through court petition on an appropriation question or issue. (Municipal and County Government)  
547, K 1051-1052

**SB 189-FN**, relative to the establishment of a civil rights act. (Judiciary)  
648, am 923-925, psd 980, S conc 1048, enr am 1154, enr 1159 (Chapter 325)

**SB 191**, relative to the New Hampshire higher educational and health facilities authority. (Commerce)  
823, am 916, psd 980, S conc 1115, enr 1154 (Chapter 253)

- SB 192**, relative to vital records. (Health, Human Services and Elderly Affairs)  
509, am 847-848, psd 857, S conc 982, enr am 1119, enr 1154 (Chapter 254)
- SB 193-FN**, relative to holiday pay for certain state employees. (Executive Departments and Administration)  
509, psd 862, 901, enr 1046 (Chapter 182)
- SB 195-FN-A**, appropriating funds for sludge testing. (Environment and Agriculture))  
645, Finance 841, am 1109-1110, psd 1113, S conc 1117, enr 1154 (Chapter 275)
- SB 197-FN-A**, establishing a pilot program for opioid agonist therapy of addiction and making an appropriation therefor. (Health, Human Services and Elderly Affairs)  
**new title:** adding a duty to the committee to study the state substance abuse treatment delivery system.  
853, am 921-922, psd 980, S conc 1115, enr 1154 (Chapter 255)
- SB 198-FN**, relative to certification of persons installing and servicing propane gas and heating oil equipment. (Executive Departments and Administration)  
**new title:** relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment.  
645, am 963-965, psd 980, S conc 1115, enr 1154 (Chapter 256)
- SB 199**, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system. (Commerce)  
820, am & psd (2 RCs) 1052-1065, recon rej (RC) 1096-1099, psd 1113, S nonconc 1114
- SB 200**, relative to child care licensing procedures. (Children and Family Law)  
**new title:** relative to child day care licensing procedures.  
439, am 906-908, psd 980, S conc 1115, enr am 1158, enr 1159 (Chapter 326)
- SB 201-FN**, reclassifying non-support as a felony under certain circumstances. (Criminal Justice and Public Safety)  
823, am 917-918, psd 980, S conc 1115, enr am 1154, enr 1159 (Chapter 327)
- SB 204**, establishing the New Hampshire excellence in higher education endowment trust fund. (Education)  
354, am 672, psd 744, S nonconc, conf 827, rules suspended 1112, rep adop 1121-1122, enr am 1158, enr 1159 (Chapter 328)
- SB 205-FN**, expanding medical coverage to pay dental assistance for adults on medicaid. (Finance)  
645, Com 1040
- SB 207**, relative to authorizing bonds for the construction and renovation of regional vocational education centers. (Finance)  
510, com changed 818, Com 897
- SB 208-FN**, establishing a “parents as scholars” program. (Education)  
510, Com 861
- SB 209-FN-L**, establishing a study committee on certain matters concerning superior court justices. (Judiciary)  
853, am 925, psd 980, S conc 1115, enr 1159, appointments 1233 (Chapter 329)
- SB 212-FN**, requiring the insurance department to develop a plan to address the needs of persons with chronic illnesses and disabilities. (Commerce)  
645, K 916-917
- SB 214-FN**, relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board. (Health, Human Services and Elderly Affairs)  
**new title:** relative to the membership and staff of the health services planning and review board and relative to the definition of ambulatory surgical facility.  
820, am 966-967, psd 980, rules suspended & S nonconc, conf 1112, rep adop 1122-1123, enr am 1158, enr 1159 (Chapter 330)
- SB 215**, transferring certain responsibilities for shellfish harvesting and regulation. (Executive Departments and Administration)  
439, am 675, psd 744, S conc 823, enr 824 (Chapter 112)

- SB 216-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. (Executive Departments and Administration)  
510, Com 862
- SB 217-FN**, relative to real estate brokers of other jurisdictions doing business in this state. (Executive Departments and Administration)  
645, rem 861, am 896, psd 901, S conc 1048, enr 1154 (Chapter 257)
- SB 220-FN**, relative to the disclosure of child abuse and neglect information. (Children and Family Law)  
820, am 898-899, psd 901, S conc 982, enr 1151 (Chapter 223)
- SB 222-FN-A-L**, relative to guarantee of loans to local development organizations. (Commerce)  
297, Finance 960, Com 1107
- SB 223-FN-A**, establishing a wellness and primary prevention council and making an appropriation therefor. (Health, Human Services and Elderly Affairs)  
**new title:** establishing a wellness and primary prevention council.  
823, am 922-923, psd 980, S conc 1115, enr am 1152, enr 1154, appointments 1234 (Chapter 276)
- SB 224**, relative to stenographic records and availability of transcripts of adjudicative hearings before licensing boards. (Executive Departments and Administration)  
**new title:** relative to notice requirements and recording of hearings in contested cases and relative to records and availability of transcripts of adjudicative hearings on occupational licensing.  
355, am 965-966, psd 980, rules suspended 1112, S nonconc, conf 1113, rep adop 1125-1126, enr 1159 (Chapter 331)
- SB 227-FN**, establishing a gambling business felony. (Criminal Justice and Public Safety)  
824, SO 961, am (4 RCs) 988-998, recon rej (RC) 1041-1043, psd 1043, S conc 1121, enr 1158 (Chapter 277)
- SB 228**, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system. (Executive Departments and Administration)  
903, Com 1050
- SB 230**, relative to interstate school districts. (Education)  
548, psd 918, 980, enr 1151 (Chapter 224)

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- SJR 1**, supporting the reduction of the sulfur content of gasoline. (State-Federal Relations and Veterans Affairs)  
349, psd 836, 857, enr 902 (Chapter 147)

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- SCR 1**, urging the supreme court to issue a prompt ruling on certain specific issues transferred to the court by the public utilities commission on February 20, 1998.  
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- CACR 1**, relating to the rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (Pepino, Hills 40; et al: Judiciary)  
31, rem 216, K 256
- CACR 2**, relating to supreme court rules. Providing that supreme court rules shall be subject to review and approval by a special legislative committee. (Pepino, Hills 40; et al: Judiciary)  
31, Com 220

- CACR 3**, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. (Mirski, Graf 12: Election Law)  
31, K 88
- CACR 4**, relating to the election of the attorney general by the people. Providing that the attorney general shall be elected by the people every 2 years in the state general election. (Hunter, Hills 7; et al: Election Law)  
31, K 88
- CACR 5**, relating to voting and elective rights of incarcerated felons. Providing that no felon, from the time of conviction until final discharge of sentence, shall vote in an election, become a candidate, or hold public office. (Stritch, Rock 5: Election Law)  
31, Com 89
- CACR 6**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute. (G. Brown, Straf 17; et al: Municipal and County Government)  
**new title:** relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law.  
31, am, rules suspended, adop & protest (2 RCs) 800-805, S conc 1114, enr 1158
- CACR 7**, relating to the size of the legislature and the salary for legislators. Providing that the size of the house of representatives be reduced and the article related to the compensation of the legislature be removed from the constitution. (Wallin, Merr 15; et al: Legislative Administration)  
41, K 305
- CACR 8**, relating to legislative review of any broad-based tax enacted after January 1, 1999. Providing that any broad-based tax enacted after January 1, 1999 shall be subject to legislative review every 2 years. (Wendelboe, Belk 2: Finance)  
42, K 77
- CACR 9**, relating to certain statewide taxes dedicated to funding public education. Providing that all revenues raised by a state income tax, statewide property tax, sales tax, or gross receipts tax shall be dedicated to funding public education. (Bradley, Carr 8: Finance)  
42, K 77
- CACR 10**, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. (Sapareto, Rock 13; et al: Finance)  
43, Com 1050
- CACR 11**, relating to the use of lottery revenues for educational purposes. Providing that lottery revenues be distributed directly to the governing body of the city or town. (Varrell, Rock 9; et al: Finance)  
60, Com 1102
- CACR 12**, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years. (Burling, Sull 1: Election Law)  
60, LT (RC) 427-429, Clerk's note 1214, 1226
- CACR 13**, relating to the administrative office of the courts. Providing that there shall be an independent administrative office of the courts; that rulemaking authority shall be transferred from the chief justice of the supreme court to the administrative office of the courts; and that the actions of the administrative office of the courts shall be subject to the approval of the legislature. (Mirski, Graf 12: Judiciary)  
60, K 517-518
- CACR 14**, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10. (G. Brown, Straf 17; et al: Election Law)  
67, K 429-430

- CACR 15**, relating to the establishment of an indirect initiative petition process. Providing that proposed laws may be submitted to the legislature by citizen petition. (Cloutier, Sull 8; et al: Legislative Administration)  
67, K (RC) 797-799
- CACR 16**, relating to establishing a restricted education trust fund; establishing a maximum rate on an income tax, and dedicating income tax revenues to education. Providing that an education trust fund be established, that revenues from a state-run lottery and revenues from the imposition of an income tax shall be deposited into the education trust fund, and that the moneys in such trust fund shall be used exclusively to provide relief from local school property taxes and to fund the state's duty to cherish the interest of public schools under Article 83, Part 2 of the New Hampshire constitution, and shall not be transferred or diverted to any other purpose. (Finance)  
1159-1160, Clerk's note 1214, K 1220
- CACR 17**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. (Finance)  
1160, Clerk's note 1214, K (RC) 1220-1223
- CACR 21**, relating to gender neutral language in the constitution. Providing that all references to persons in part 2 of the constitution shall be gender neutral. (Gilmore, Straf 11; et al: Executive Departments and Administration)  
**new title:** relating to gender neutral language in the constitution. Providing that all references to persons in the constitution shall be gender neutral.  
69, am & LT 601-609, Clerk's note 1214, 1226
- CACR 22**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed. (Hunter, Hills 7; et al: Judiciary)  
69, SO 323, 406, 499, Com 535
- CACR 24**, relating to county attorneys. Providing that county attorney positions be abolished. (Rubin, Rock 25: Criminal Justice and Public Safety)  
136, K 265
- CACR 25**, relating to the election of governor, executive councilors, and senators. Providing that the governor, executive councilors, and senators shall be elected every 4 years. (Clemons, Hills 31; et al: Election Law)  
136, K 401
- CACR 26**, relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; the nature and means of the fulfillment of such duty shall be determined by the legislature and judicial review shall be limited to whether or not there is any rational basis therefor; the legislature shall have exclusive authority to determine and fund the costs or to delegate the authority to impose assessments, rates, and taxes for education to political subdivisions, which if so delegated shall be deemed local and shall be proportional and reasonable within the political subdivision in which they are imposed. (Chandler, Carr. 1; et al: Finance)  
548, Com 1102-1103



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HB 399, allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary and changing the filing period for declarations of candidacy for candidates for president and vice-president at the presidential primary. Question, adopt committee report of ought to pass with amendment. Yeas, 329; Nays, 5 .....	837-840
HB 430, requiring anyone operating windshield wipers to also have on headlights. Question, adopt committee report of inexpedient to legislate. Yeas, 249; Nays, 97 .....	338-340
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HB 449-FN, requiring boating safety education. Question, adopt committee report of ought to pass with amendment. Yeas, 258; Nays, 100 .....	408-410
HB 465, prohibiting the application of the doctrine of adverse possession or prescription when boundary lines can be proven by a preponderance of the evidence. Question, adopt committee report of inexpedient to legislate. Yeas, 266; Nays, 87 .....	250-252
HB 472, relative to establishing metal limits on land-applied sludge. Question, adopt majority report of inexpedient to legislate. Yeas, 191; Nays, 176 .....	402-405
HB 487, relative to the adoption of bonds or notes in certain school districts and municipalities. Question, adopt committee amendment. Yeas, 230; Nays, 115 .....	570-572
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HB 491, relative to qualifying examinations for individuals seeking driver's licenses, and driver education course requirements. Question, adopt conference report. Yeas, 211; Nays, 98 .....	1134-1137
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HB 512, relative to limiting work hours for 16 and 17-year old persons employed in school. Question, adopt committee report of inexpedient to legislate. Yeas, 190; Nays, 94 .....	741-743
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HB 527, relative to the duties of the public utilities commission. Question, pass over governor's veto. Yeas, 19; Nays, 261 .....	1146-1148
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HB 537, relative to background checks for firearms purchases. Question, adopt committee report of ought to pass. Yeas, 234; Nays, 85 .....	971-973
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HB 588-FN-L, relative to county expenditures for children at the youth development center. Question, adopt motion to re-commit to committee. Yeas, 162; Nays, 192 .....	388-390
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HB 649-FN, relative to nitrogen oxide emissions from electricity generation. Question, adopt majority report of ought to pass with amendment. Yeas, 246; Nays, 63 .....	815-817
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HB 676-FN-A, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor. Question, adopt committee report of ought to pass with amendment. Yeas, 239; Nays, 103 .....	786-789
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HB 703-FN-A-L, establishing a regional youth center pilot program in the city of Nashua. Question, adopt committee report of ought to pass with amendment. Yeas, 170; Nays, 172 .....	953-955
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HB 722-FN, revising the law relative to protection of persons from domestic violence. Question, adopt motion to Special Order. Yeas, 145; Nays, 190 .....	660-662
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